

*United States Court of Appeals
for the Second Circuit*



**SUPPLEMENTAL
APPENDIX**

ORIGINAL

76-7091

**United States Court of Appeals
For the Second Circuit**

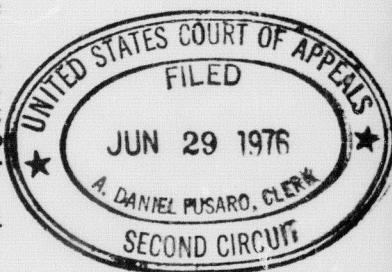
WILLIAM TERNER,

Plaintiff-Appellant,

against

Hon. JAMES D. HOPKINS, Justice of the Appellate Div. of the State of N.Y.; Hon. LEONARD RUBENFELD, J.S.C. of the State of N.Y.; JAMES DEMPSEY, Esq.; Hon. ALVIN R. RUSKIN, J.S.C. of the State of N.Y.; Hon. HAROLD L. WOOD, J.S.C. of the State of N.Y.; N.Y. State Sen. BERNARD G. GORDON, Chairman, N.Y.S. Judiciary Comm.; Hon. MARTIN B. STECHER, J.S.C. of the State of N.Y.; Hon. Wm. A. WALSH, Jr., J.S.C. of the State of N.Y.; JERALD S. KALTER, M.D.; Hon. JOHN C. MARBACH, J.S.C. of the State of N.Y.; MILDRED TERNER; KRAFTCO CORP., and MFG. HANOVER TRUST CO. (Transfer Agents for Kraftco Corp.),

Defendants-Appellees.



SUPPLEMENTAL JOINT APPENDIX

WILLIAM TERNER, *Pro Se*
575 Madison Avenue (Rm. 1006)
New York, New York 10022
(212) PL 9-6700

LOUIS J. LEFKOWITZ
*Attorney General of the
State of New York*

ROSALIND FINK
*Assistant Attorney General of the
State of New York*

Attorneys for Defendants-Appellees
Two World Trade Center
New York, New York 10047
(212) 488-4141

TABLE OF CONTENTS

	PAGE
Original Complaint	JA 168
Exhibit B-10 to Amended Complaint	JA 176
Exhibit B-11 to Amended Complaint	JA 179
Exhibit C-3 to Amended Complaint	JA 182
Exhibit C-4 to Amended Complaint	JA 190
Exhibit C-5 to Amended Complaint	JA 195
Exhibit D-2 to Amended Complaint	JA 196
Exhibit I-1 to Amended Complaint	JA 197
Exhibit I-2 to Amended Complaint	JA 207
Exhibit J1 to Amended Complaint	JA 210
Order of Justice Wood	JA 213
Parts II, III, IV of Plaintiff's affidavit in Support of Amended Complaint	JA 217

United States District Court JA 168

FOR THE

SOUTHERN DISTRICT

75 CIV. 3673

CIVIL ACTION FILE NO.

WILLIAM TERNER,

Plaintiff

v.
KRAFTCO CORP., MANUFACTURERS HANOVER
TRUST CO. (Transfer Agents For Kraftco
Corp.), HON JOHN C. MARBACH, JUSTICE OF
THE SUPREME COURT OF THE STATE OF NEW
YORK, AND MILDRED TERNER,

SUMMONS

Defendants

To the above named DefendantS :

You are hereby summoned and required to serve upon

RAYMOND M. PEZZO,

plaintiff's attorney , whose address IS 272 MILL STREET, PUUGHKEEPSIE, NEW YORK 12601.

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

RAYMOND F. DURCHARDT

J. F. D. Durchardt
Clerk of Court.
Deputy Clerk.

Date:

JUL 23 1975

[Seal of Court]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JA 169

WILLIAM TERNER,

Plaintiff,

-against-

COMPLAINT

KRAFTCO CORP., MANUFACTURERS HANOVER
TRUST CO. (Transfer Agents for KRAFTCO CORP.),
HON. JOHN C. MARBACH, JUSTICE OF THE
SUPREME COURT OF THE STATE OF NEW YORK,
AND MILDRED TERNER.

Defendants.

Plaintiff alleges:

1. This action seeks declaratory, injunctive and equitable relief against the deprivation of plaintiff's rights and privileges under the United States Constitution. Jurisdiction is invoked pursuant to Title 28, United States Code, Section 1333, 2201, 2202 and the Constitution of the United States, more particularly the Fourteenth Amendment thereto.

2. This action seeks among other relief a declaratory judgment, declaring that the action of the Honorable John C. Marbach, a Justice of the Supreme Court of the State of New York, in compelling the plaintiff herein to proceed with the trial of an action entitled "William Terner, Plaintiff, against Mildred Terner and Kraftco Corp., Defendants" which said action was venued in the Supreme Court, Westchester County bearing the Index Number 1309/71 without benefit, aid and assistance of a counsel of plaintiff's choice and the decision of said Justice and the Judgment thereafter entered in favor of the defendant Mildred Terner is repugnant to the Constitution of the United States. In

particular the Fourteenth Amendment and that thereby the plaintiff was deprived of his property without due process of law and was denied equal protection of the law; this action further seeks an injunction to restrain the defendants Kraftco Corp., its transfer agent Manufacturers Hanover Trust Co. from issuing certificates of stock to the said Mildred Terner until the further order of this Court; and for a declaratory judgment declaring that the plaintiff shall have the right to try the issues raised in the aforesaid New York State Supreme Court action, represented by counsel of his choice in the trial of said action and for a direction that the action be tried in this Court or otherwise as this Court may direct.

3. Plaintiff is a citizen of the United States and resides in the Southern District of New York.

4. On information and belief, the defendant Kraftco Corp. ("Kraftco") is a foreign public Corporation having its principal place of business within the State of New York and upon information and belief with an office located in the State of New York and in particular within the Southern District.

5. On information and belief, the defendant Manufacturers Hanover Trust Co., ("Manufacturers") is a national banking corporation with its principal place of business within the City of New York and more particular within the Southern District of New York, and is the transfer agent for the publicly traded stock and securities of the defendant Kraftco.

6. The defendant Mildred Terner is a citizen and resident of the Souther District of New York, and seeks to effect the issuance by Manufacturers of certificates which on their face will fall

to reveal the ownership of the stock by plaintiff.

JA 171

7. The defendant Honorable John C. Marbach is a Justice of the Supreme Court of the State of New York and a citizen and resident of the Southern District of New York and at the times herein mentioned presided as the trial Judge in Westchester County of said Court.

8. On or about September 3, 1970, an action was commenced by plaintiff against the defendants Mildred Terner and Kraftco in the Supreme Court of the State of New York, County of Westchester, Index Number 1309/71. Said action demanded judgment declaring the plaintiff herein to be the owner of 540 shares of common stock in Kraftco, or in the alternative to compel said Kraftco to register said shares in the plaintiff's name. Said action further demanded judgment requiring the defendant Mildred Terner to account for all funds derived from Kraftco securities nominally registered in her name and to require her to pay to the plaintiff whatever sums she may have received from said securities. The defendant Mildred Terner interposed an answer to plaintiff's complaint and demanded among other things affirmative relief by way of a counterclaim directing that plaintiff turn over and deliver to her said certificates representing 540 shares of stock of Kraftco or to remit to her the fair market value thereof together with all dividends and other emoluments of said stock.

9. On April 24, 1974, said action was called for trial before the Honorable John C. Marbach, Justice of the Supreme Court, County of Westchester. Upon the call of the calendar, plaintiff's counsel Irving I. Erdheim, Esq. applied to the Court

JA 172

to be relieved as plaintiff's attorney in the action. Upon the making of said application by said attorney, the plaintiff herein requested a reasonable adjournment of one week so as to permit new counsel whom he had retained, i.e., Samuel Gottlieb, Esquire, 120 East 42nd Street, New York City, to represent him upon the trial of the action. The Court arbitrarily denied the request for a week's adjournment and directed that plaintiff appear the following day, April 25, 1974, for trial with counsel or in the event of plaintiff's failure to do so the Court would dismiss plaintiff's action.

10. On April 25, 1974, upon the call of the calendar, plaintiff advised the Court that Mr. Gottlieb could not appear before the Court and again requested a reasonable adjournment so that plaintiff would have the benefit of counsel. Said request was refused and despite the knowledge that plaintiff was and is not an attorney-at-law or possessed of any training therein, the Court directed trial of the action whereby plaintiff was compelled, over his protests and without his consent, and under the threats uttered by the Court to dismiss his action, to participate by himself and totally without the benefit of counsel.

11. Plaintiff was incapable of representing himself in that action and was without knowledge of the law and rules of evidence and by the action of Justice Marbach was deprived of effective counsel of his choosing, all which violated his rights under the Fourteenth Amendment of the Constitution.

12. As a consequence of all of the foregoing, on May 21, 1974, a judgment was entered dismissing plaintiff's complaint in that action and directing judgment in favor of defendant on her counterclaim.

13. By virtue of said Judgment, plaintiff was compelled under the threat of being punished for a contempt, to turn over 540 shares of stock in the defendant Kraftco to the defendant Mildred Terner herein. Upon said delivery, plaintiff to protect his rights and property endorsed a legend thereon as follows:

NOTICE: THIS CERTIFICATE AND THE SHARES REPRESENTED THEREBY AND ANY RELATED DIVIDENDS ARE SUBJECT TO LITIGATION AND I CLAIM THAT MILDRED TERNER HAS NO BENEFICIAL INTEREST IN THESE SHARES OR DIVIDENDS AND THE LITIGATION IS BEING PRESENTED TO THE APPELLATE DIVISION, SECOND DEPARTMENT, NEW YORK, AS MILDRED TERNER'S ATTORNEY, JAMES DEMPSEY OF 175 MAIN STREET, WHITE PLAINS, NEW YORK IS AWARE OF. /S/ WILLIAM TERNER.

14. Defendant Mildred Terner has now demanded that Kraftco and Manufacturers issue to her certificates of stock which on their face will not contain any statement as to plaintiff's claims of ownership and rights. Upon information and belief it is the intention of said transfer agent and Kraftco to do so unless enjoined by this Court, and thereby plaintiff will be irreparably damaged and persons and others seeking to purchase said shares duped into the belief that good and marketable title to same is held by defendant Mildred Terner.

15. Apart from the violation of plaintiff's right to effective counsel of his choosing, all efforts of plaintiff to have the actions of the trial Judge reviewed by the Appellate Court were turned aside and rejected because of a claimed technical delay in the filing of plaintiff's Notice of Appeal from the Judgment above referred to, in that defendant Mildred Terner and her counsel asserted that service of the Judgment was made by mail upon the plaintiff which plaintiff emphatically denies and that by reason of

JA 174

said purported service, plaintiff's Notice of Appeal was filed five days late. By reason of the foregoing, plaintiff has exhausted all remedy in the State Courts of New York, which Courts have declined to review on the merits the actions of Judge Marbach in the circumstances heretofore alleged.

16. By reason of all of the foregoing plaintiff has been deprived of a full and fair hearing on the merits and his rights under the Constitution of the United States substantially infringed and violated for all of which plaintiff has no adequate remedy at law; plaintiff will be irreparably damaged and the rights and protections of persons trading in the public markets of securities threatened with harm in the purchase of the aforesaid shares, unless the defendant's be enjoined from effecting the unlawful issuance of certificates as demanded by defendant Mildred Terner.

WHEREFORE, plaintiff demands judgment against the defendants as follows:

a. An order should be entered preliminarily enjoining the issuance of certificates pending the trial and disposition of this action.

b. Declaring that the actions and decisions of the Honorable John C. Marbach, Justice of the Supreme Court of the State of New York made and entered in the State Court action above described "William Terner against Mildred Terner and Kraftco Corp." be declared void and unenforceable.

c. Directing a re-trial of said action either in this Court or in the Supreme Court of the State of New York affording plaintiff the right to be represented by counsel of his choice.

d. Permanently enjoining the defendants Mildred Terner,

JA 175

Kraftco Corp., and Manufacturers Hanover Trust Co.,
from issuing to the said Mildred Terner new or clean
shares of stock in the name of Mildred Terner and to
enjoin them and each of them from recording ownership
of said shares of stock on the books of said Kraftco
Corp. or said transfer agent Manufacturers Hanover
Trust Co. in the name of Mildred Terner.

e. An for other appropriate relief as this Court may
deem just and equitable.

RAYMOND M. PEZZO,
Attorney for Plaintiff
Office and Post Office Address:
272 Mill Street
Poughkeepsie, New York, 12601
(914) 452-4800

W. Terner - direct

265

here in court, in that connection?

A I've got a record.

Q Let me see the record.

A You asked me what records I have.

THE COURT: The law requires that you give it to the attorney who subpoenas it. You don't have to testify to it.

THE WITNESS: He didn't subpoena this, he subpoenaed it for 1970 and I went back to 1967. I've got my income taxes from '68.

THE COURT: Mr. Terner, don't you want to try this case? Your attorney is doing a good job, let him go ahead. Let's try the case the right way.

THE WITNESS: I don't want to fall into any traps, your Honor. I have nothing to hide.

MR. DENFSEY: I move to strike that out.

THE COURT: No. It's a lot of nonsense -- no, let it stand. I want the Appellate Court to see the way this man is behaving.

MR. ERDMHEIM: Judge, you are making a statement that you want the Appellate Court to see something; you don't know whether it is going to the

W. Terner - direct

266

Appellate Court.

THE COURT: Well, all right.

MR. DEMPSEY: May this paper be marked
for identification?(Five sheets of letter from Manufacturer's Hanover
Trust Company to William Terner marked Plaintiff's
Exhibit 17 for identification.)Q Have you produced here, pursuant to this subpoena,
any other records, books or statements with respect to any
checking, savings or any other accounts, other than these
two papers, Plaintiff's Exhibits 16 for identification and
17 for identification?A I have other financial records, if that's what
you mean.

Q Will you produce them?

A Yes, I shall.

MR. ERDHEIM: Your Honor, while he is
doing that, so the record will be clear, my exhibit
sheet shows Plaintiff's Exhibit 10 is a subpoena
duces tecum and 14 is a subpoena duces tecum. In
order to avoid any duplications, your Honor, may we
know whether or not 10 and 14 is the same subpoena

the problem to bring myself up-to-date with the Internal Revenue Service. And the Internal Revenue Service is aware that one of my problems is that I have been denied access to my office in my residence.

I had attempted to make an appointment with Judge Gagliardi yesterday, and in this attempt --

THE COURT: I'm the Judge in charge of this case, not Judge Gagliardi.

MR. TERNER: Judge Gagliardi is the Administrative Judge.

THE COURT: He has nothing to do with this case. I'm the Trial Judge, and he just assigns the cases.

MR. TERNER: I had not been aware of that.

THE COURT: Any appeals from me are taken to the Appellate Division, which you have done several times, so that you know where it is. You don't take it to the Administrative Judge.

MR. TERNER: I am not an attorney.

THE COURT: I'm telling you what the rules are. You take your appeals to the Appellate

W. Turner - direct

287

Manufacturer's, but that starts the first quartor of 1970, payable March 10th, 1970, of record holdings as of August 20th, 1970.

THE WITNESS: May I comment on that?

MR. DEMPSEY: No, please.

Your Honor, the exhibits are only some evidence of ownership, and they are not conclusive.

THE COURT: I have already ruled on that. You can ask if there is anything in addition to this, and he has a right to see this exhibit, if he wants to testify from the exhibit.

THE WITNESS: I have this in my other records, your Honor. It goes back to 1967, and there is nothing here to be hidden from the Court.

THE COURT: Will you stop that nonsense. I don't give a damn — I mean it. If you will answer the questions that are put to you here and stop telling us how honest you are — a lot of witnesses tell us how honest they are, that's why we have trials.

MR. DEMPSEY:

Q Now, you referred to a record in 1967; what record are you referring to?

your bank account?

A I would assume that part of it was.

Q What is your best recollection?

A I cannot give you an accurate description of every check that I drew four years ago.

THE COURT: All right, that's your answer.

Q Now, the record indicates, Exhibit 16, that less than three weeks later in that same month of November — to be exact, November 23rd, 1970, you got another \$5,000 loan from Manufacturer's Hanover Trust; what did you do with that loan?

A Spent it.

Q Did you spend it in cash or by check?

A Both.

Q How much cash and how much check?

A I cannot tell you, but the record will indicate breakdown.

Q So, what is reflected in your bank account as credits or transfers, shows how much went into that account, and the balance is in cash; is that what you are saying?

A I didn't say that, no. I said I'm trying to get accurate information for the purposes of the Internal

W. Terner - direct

350

Revenue Service. And when I get that, you are welcome to it.

MR. DEMPSEY: I move to strike that out.

THE COURT: We are not concerned with the Internal Revenue Service.

Q The record indicates that two weeks later, on or about December 11th, 1970, you increased your loan there at Manufacturer's Hanover, to the extent of \$2,000; what did you do with the proceeds of that loan?

A May I see that, please?

Q Yes.

A I would assume that if it was just for \$2,000, it probably went for paying interest to the bank, as well as to probably bringing my balance up to something respectable, insofar as the bank is concerned.

Q You say that went into the bank?

A I say probably.

Q That's your best recollection?

THE COURT: Mr. Dempsey, I don't want to interfere, but Plaintiff's Exhibit 7 shows that he was paying about \$1,150 a month in interest on these loans.

MR. DEMPSEY: Yes, I understand that. I want to have the record of what he paid in interest

Exhibit C3 to Amended Complaint

JA 182

A.: Irving A. Salty.

Q.: What is his office address?

A.: His office is on Northern Boulevard,
in Great Neck.

Q.: Now, are you telling this Court then that
as a result of this burglary, that forced entry,
your employment books and records from January 1st,
1968 to date were taken?

A.: A good many of them.

Q.: No, I'd like an answer. Were your employment
books and records from January 1st, 1968 to date
taken as a result of this forced entrance into
your office?

A.: They disappeared after that burglary.

Q.: The next day?

A.: That day.

Q.: Are you telling the Court that all of your
social security quarterly reports to the U. S.
Government, from January 1st, 1968 to date,
disappeared as a result of that forced entry?

A.: I did not say all.

Q.: What social security reports have you
brought today?

A.: None."

It was anticipated that the production of the Police
Department records would establish that Dr. Kalter never had

books and records stolen since they are absolutely of no value to any common thief and he gave this Court false testimony in order to suppress evidence which would have long ago clearly convinced this Court that Dr. Keltor and my wife were indeed carrying on an adulterous relationship.

However, without the defendant's knowledge and no doubt without this Court's knowledge, a representative of the Police Department appeared with the subpoenaed records and properly reported to the Clerk at Judge Walsh's interim office at Trial Term Part VIII, County Court House, White Plains at approximately 9:30 a.m. on March 27, 1972. The Judge's interim staff as well as the Deputy Sheriff were apprised well ahead of time that defendant's counsel was expecting a subpoenaed representative of the New York City Police Department with documents and that this subpoenaed witness was to be detained since he was to be a witness and also that either defendant's counsel or defendant was to be notified as soon as this witness arrived.

The Police witness arrived and there was no notification of his presence to the defendant's counsel, Mr. Erdheim or to Mr. Frank, or to myself or no doubt to Justice Walsh, all of whom were present and available in the Court house.

Even more baffling is the fact that this witness was actually excused with absolutely no notification to any of the individuals who were specifically to have been notified of this witness' appearance.

Compounding this most irregular procedure is the even more confounding fact that the subpoenaed records brought to Court by the Police representative were never given to defendant or to his counsel, thereby causing extreme prejudice to defendant's case by limiting the areas of Dr. Kalter's cross-examination and sabotaging defendant's efforts to impeach Kalter's already suspect credibility. The Court will recall that Dr. Kalter testified during the morning of March 27, 1972 and was excused at the luncheon recess.

It was not until the afternoon session that the subpoenaed records available at 9:30 a.m. that morning were turned over to my counsel at which time they were of no value whatsoever since Dr. Kalter had been excused and could not be further cross-examined. He most assuredly would have been continued on cross-examination were it not for this irregularity and the full disclosure of Kalter's perjuries and suppressions of evidence in this and other matters could have and would have been revealed to this Court.

The New York County District Attorneys office responded to a duces tecum subpoena served upon them later that same day with telephonic information which established that Kalter had again clearly perjured himself in this Court in his previous Court testimony given on November 3, 1971. This evidence, clearly vital to Kalter's credibility, would have been demonstrated to the Court on March 27, 1972 had Kalter not been prematurely excused only because of a Court irregularity which again incorporeably prejudiced the defendant's case. The duces tecum subpoena served upon the District Attorneys Office is annexed hereto as Exhibit "D."

This Court was deprived of learning that Kalter both knowingly lied and implied on November 3, 1971, that his phone had been tapped by me when he testified as follows on pages 1210, 1211, and 1212 of the court minutes:

"Q.: What did you know about your own telephone?

THE COURT: Well, if he made a phone call, he ought to know where he made it from.

A.: My phone was being tapped."

Q.: How do you know it?

A.: I knew it was tapped and this was reported to the District Attorney.

Q.: All right. Did you make a complaint to the District Attorney?

A.: Yes, sir.

MR. ERDHEIM: I object to that. What difference does it make.

THE COURT: No, that's subject to connection; otherwise, I am not concerned about it.

Q.: The District Attorney of what county?

A.: The District Attorney of New York County, District Attorney Hogan's office."

Q.: And to your knowledge, that there was with respect to a tap on your phone, and has that been investigated by the District Attorney's office and by the Police Department?

MR. ENDERSON: I object to that.

THE COURT: If he knows whether they did it or not, he can answer. He can't tell us what they found.

Q.: What's your answer?

A.: I am not at liberty --

The District Attorneys office advised on March 27, 1972, in the early afternoon that Kalter had indeed alleged to the District Attorneys office that his phone was tapped -- charging me with this crime. However, an investigation by both the District Attorneys office and the New York Telephone Company proved this to be untrue and the matter was closed out March 1, 1971. This is clearly indicated on the true copy of the District Attorneys file card on this matter which is annexed hereto as Exhibit "E". Certainly, Kalter was well aware that this matter had been closed out over a year before and yet he brazenly testified otherwise to this Court.

Kalter also wanted this Court to have the false impression that the New York City Police Department was also involved on March 27, 1972, in this same matter. The Police Department duces tecum subpoena specifically asks for all crimes ever reported to them by Dr. Kalter (see Exhibit "F") and an examination of the Police documents annexed hereto as part of Exhibit "G" show that never did Kalter ever make even an initial report to the Police.

The above excerpt demonstrates Kalter's complete disregard of his oath to tell the truth to this Court in his

response to this Court's own efforts to classify this matter when Kalter states "I am not at liberty." Dr. Kalter was not at liberty to do what? To tell the truth in this Court? and not to suppress evidentiary material in this Court?

As mentioned hereinbefore, Dr. Kalter was released as a witness before other and further conclusive documentary evidence would have been produced which would have demonstrated beyond question that Dr. Kalter was a consistent and habitual liar -- designed solely to camouflage his adulterous relationship with my wife. However, had defendant's counsel been duly and properly notified of the presence of the Police witness, Kalter's examination would have been continued long enough so that other revealing proof of his previous perjuries in this could and would have been presented to this Court. It actually became necessary to pursue these perjuries and conspiratorial tactics by seeking redress in the Supreme Court of New York County for later documented perjuries and suppression of evidentiary material that took place in this Court. My wife's attorney, Mr. Dempsey, cavalierly alludes to harrassment of correspondent Kalter and his accountant, Satty and Company, as plaintiff, Mildred Terner, but the facts of their conspiratorial tactics were so blatant and so brazen that Supreme Court Justices Warner, Holtzman, Dickens and Stecher involved in various motions concurred by consistently adverse decisions against Satty and Kalter and Mildred Terner.

Exhibit T - Complaint in Forcible
Accompanying Papers

who to whom on that article. (See photo?)

A Mrs. Turner and myself.

Q Who and what was the photograph taken?

ATTORNEY'S OFFICE, NEW YORK COUNTY
COMPLAINT CARD

1/1/71

CLASSIFICATION

Urgent
Confidential

DATE Feb 21 1971

Jerald S. Feigin, M.D.

HOME ADDRESS:

BUSINESS ADDRESS:

ADDRESS:

12 East 67th St, NYC

130 E. 67th St, NYC

130 E. 67th St, NYC

PC 2-277

PC 2-7771

PC 2-7771

INTERVIEWED:

ADDRESS:

William Turner

ADDRESS:

ADDRESS:

29 Carroll St, Scarsdale, NY 10583

PC

PC

Krasnow

INTERVIEWER

Exhibit T - Complaint In Turner v. Kalter and
Accompanying Papers

Def. stated that his telephone is being tapped, and that
on one occasion a voice who identified himself as Johnathan
Kalter in a conversation CW was having with a patient of his who
is the estranged wife of deft. CW stated that the telephone
company investigated this and did not find any evidence his line
was tapped, but that their investigation concluded only that the line
was not being tapped at the time they made their investigation.
This did not preclude the line being tapped at other times.

After speaking with the personnel of the Tel. Co. who conducted the
investigation, it was decided that no warrant application
in this should be taken by this office unless the C.W. could present
additional evidence that his line was being tapped.

SEARCHED FOR

DATE CLOSED: March 1 1971

APPEAL COURT
COURT OF APPEALS OF NEW YORK

PLAINTIFF TURNER

against

WILLIAM TURNER

Plaintiff

Defendant

Index No. 7920-1971
Calendar No.JUDICIAL SUPPORT
DUCES TECUM

The People of the State of New York
TO DISTRICT ATTORNEY, New York County, 155 Leonard, New York,
New York
WE COMMAND YOU, That all business and excuses being laid aside, you and each of you are
and attend before

GREENSTICK

Exhibit C-4 to Amended Complaint

JA 190

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X

WILLIAM TERNER,

Plaintiff,

- against -

Index No. 12978-72

JERALD S. KALTER and
SATTY & COMPANY,

Defendants.

-----X

DEPOSITION OF IRVING A. SATTY, taken by Lawrence Greenberg,
Notary Public of the State of New York, held at Supreme Court,
New York County, on the 5th day of March, 1973, at 10:15 a.m.,
pursuant to Order of Hon. Martin B. Stecher dated February 23,
1973. (Borak Reporting Service, 150 Nassau Street, New York, N.Y.)

APPEARANCES:

SIDNEY RABEKOFF, ESQ.,
Attorney For Plaintiff
68 East 56th Street
New York, New York 10022

HAHN, HESSEN, MARCOLIS & RYAN, ESQ'S.,
Attorneys for Defendants
350 Fifth Avenue
New York, New York
BY: ALLAN J. LEVINE, ESQ., of Counsel.

ALSO PRESENT:

WILLIAM TERNER

DONALD FRANK, ESQ.

March 5, 1973 - See Deposition pages 73, 74 and 81.

JA 191

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

WILLIAM TURNER,

Plaintiff,

Index No.
12978-72

-against-

JERALD S. KALYAN and
SAPPY & COMPANY,

Defendants.

DEPOSITION of IRVING A. SKRIV, taken
by Lawrence Greenberg, Notary Public of the
State of New York, held at Supreme Court,
New York County, on the 5th day of March, 1973,
at 10:15 a.m., pursuant to Order of Hon.
Martin B. Stecher dated February 20, 1973

403

1

Satty

73

2

have never seen him socially.

3

Q Do you socialize with Dr. Kalter now,
4 at the present time?

5

A No.

6

Q Last year, did you socialize with
7 Dr. Kalter?

8

A No.

9

Q What was your conversation with Judge
10 Walsh, meaning at the time you got the subpoena up
11 there in the matrimonial action?

12

MR. LEVINE: You testified, I believe,
13 that you had spoken to Judge Walsh.

14

A I asked Judge Walsh to be excused because of
15 my accounting business and the wrong time of the year,
16 and I also said in case any of the records would be
17 necessary, I would be very glad to send them forward.

18

Q What did Judge Walsh say to you?

19

A He said to me to submit an affidavit through
20 the attorney Dempsey, and that he would permit me to
21 stay out.

22

Q Did you ever submit an affidavit to
23 attorney Dempsey?

24

A Yes, I did.

25

Q Who prepared this affidavit?

1

Satty

74

2

A Dempsey.

3

Q When was it prepared?

4

A Prior to the date that I was supposed to appear.

5

Q When was it sworn to?

6

A Prior to the date that I was supposed to appear.

7

Q Who was the notary public who signed it
before it was sworn to?

9

A I don't know. Dempsey was there --

10

Q Where was it sworn to?

11

A In Dempsey's office.

12

Q Did you ever send any records to the court
as was requested of you?

14

A No, no records were requested of me.

15

Q What was your conversation with James
Dempsey, that is with reference to the preparation
of the affidavit? The judge permitted you to testify
to the substance of your conversation.

19

A My conversation with Mr. Dempsey reflected upon
the exact thing that I spoke to the judge about.

21

He listened to the fact that it was my busy season
and requested that I be permitted not to be present
at the hearings, and that should any of the records
be required at the hearings, that I would be able
to send them on at that time.

2

A Not that I know of.

3

Q By "not that I know of," you mean no?

4

A To my best experience, I don't remember that I said anything about that, or had anything to do, or even requested. As far as indemnification, this is the first conversation I had since I started.

8

Q Had you ever asked Dr. Kalter --

9

A No.

10

Q Let me finish the question.

11

Did you ever ask Dr. Kalter or anyone else to save you harmless from any damages in this lawsuit?

14

A Not that I can remember.

15

Q Did you ever have any conversations with Dr. Kalter so that in the event you sustained any damages, who would pay these damages?

18

A I don't remember anything like that.

19

Q Did you speak to James Dempsey about this action?

21

MR. LEVINE: Referable to this lawsuit we have here today.

23

A It is possible because I spoke to Judge Walsh on Friday, I called James Dempsey, and I asked him what Judge Walsh's telephone number is, and I told

Exhibit C-5 to Amended Complaint

JA 195

REPORT BY AL ABRAHAMS - NEW YORK CITY POLICE DEPT. SUBPOENA -

April 6, 1972 - OF HIS PERSONAL VISIT

Contacted Ptl. William Coyle, 400 Broome Street, N.Y.C. on delivery of records to White Plains on March 27, 1972. Ptl. Coyle advised me that he arrived at 8:45 a.m. at Martine Avenue Court Building and then went across the street to Judge Walsh's Court. He gave the records to the clerk of Judge Walsh's court - male - signed by F. J. (Leary) (Tierny) (Copy attached of signature), certificate attached to records certifying that they are the true copies of originals.

(ATTACHING MEMO
GAR
AND
IMMED.
RCCE)

RECORDS REQUESTED BY: Erdheim, Shallek & Falk for Dft.
324 Madison Ave NY

Signature of Clerk
for receiving records for
Ptl. Coyle, N.Y.C. P.D.

Donald F. Johnson
Lieutenant

Received by Thomy
Time & Date 3/29/77

Thomas J. Drane

Exhibit D-2 to Amended Complaint

SUPREME COURT : STATE OF NEW YORK
COUNTY OF WESTCHESTER

JA 196

MILDRED TERNER,

MOTION FOR A NEW TRIAL

Plaintiff,

Index No. 7920/1970

- against -

WILLIAM TERNER,

Defendant.

(HONORABLE JUSTICE WILLIAM A. WALSH, JR., PRESIDING)

APPEAL TO APPELLATE DIVISION,
SECOND DEPARTMENT

Exhibit I-1 to Amended Complaint

JA 197

At the Term of the Appellate Division of the Supreme Court,
of the State of New York, Second Judicial Department,
held in Kings County on April 15, 1974.

James D. Hopkins,
John J. Flynn, Jr., Esq.
Dr. Henry E. A. Ham,
Hon. J. Irwin Smith, Jr.,
Hon. Arthur D. Brennan,
Hon. J. Munzer, Esq.

Acting Presiding Justice,

Associate Justice

William Turner,
Respondent,

William Turner,
Appellant.

Order on Appeal
from Order

In the above entitled cause, the above named William Turner, defendant,

having appealed to this court from an order of the Supreme Court, Westchester County, dated May 9, 1973, which, inter alia, denied his motion for a new trial on the grounds of newly discovered evidence and alleged trial irregularities;

and the said appeal having been argued by Donald Frank,

Esq., of counsel for the appellant, and argued by James Dempsey

Esq.,

of counsel for the respondent, and due deliberation having been had thereon; and upon this court's

decision slip heretofore filed and made a part hereof, it is:

ORDERED that the order appealed from is hereby unanimously affirmed, with costs and disbursements.

Enter: IRVING N. SELKIN

Clerk of the Appellate Division

SAC

JA 198

SUPREME COURT : NEW YORK COUNTY

INDIVIDUAL CALENDAR : PART XII

WILLIAM TERNER,

Plaintiff,

-against-

MILDRED TERNER and JERALD S. KALTER,

Defendants.

Index No. 22772/1972

(HONORABLE JUSTICE MARTIN B. STECHER PRESIDING)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JA 199

WILLIAM TERNER,

Plaintiff

-against-

INTERROGATORIES TO
DEFENDANT
MILDRED TERNER

MILDRED TERNER and JERALD S. KALTER,

Defendants.

Plaintiff, WILLIAM TERNER, requests that defendant
answer under oath in accordance with article 31 of the Civil
Practice Law and Rules, the following interrogatories:

1. State when Mildred Terner first utilized the services
of Jerald S. Kalter.
2. Set forth each and every occasion when Mildred
Terner utilized the alleged services of Jerald S. Kalter.
3. What was the purpose of each of the above meetings
and who was present at such meetings.
4. What prescriptions were given to Mildred Terner
by Jerald S. Kalter and the dates of each such prescription.
5. State detail the nature and extent of each
service rendered by Jerald S. Kalter to Mildred Terner on each and
every occasion.
6. Did Mildred Terner begin seeing Jerald S. Kalter on
a social basis either during or after their patient to physician
relationship.
7. If the answer to interrogatory Number 6 is yes,
state the following for the first time when Mildred Terner saw
Jerald S. Kalter on a social dating basis:
 - a. The exact date of this occasion.
 - b. The time of day that such a meeting commenced and the
time of day that such meeting ended.

447

c. The location and/or locations of this first meeting.

8. Set forth each and every occasion thereafter that

Mildred Terner saw Jerald S. Kalter on a social basis setting forth the following:

a. The date of such occasion.

b. The length of such occasion.

c. The activities of such a meeting.

d. The location and/or locations of such meeting.

9. Was Mildred Terner ever alone with Jerald S. Kalter in premises leased by the nephew of Mildred Terner, located at 952 Fifth Avenue, New York, New York.

10. If the answer to interrogatory Number 9 is yes, state on what occasions such meetings took place; the length of time and the time of day or night that such meeting and/or meetings took place and the purpose of such meeting and or meetings.

11. State whether Mildred Terner was in the George Washington Hotel in New York City on December 13, 1970.

12. Did Mildred Terner meet with Jerald S. Kalter on December 13, 1970.

13. If answer to interrogatory Number 12 is yes, state when such meeting took place, the length of such meeting, and the purpose of such meeting.

14. State whether Mildred Terner was ever a guest of Jerald S. Kalter's at various social functions including, but not limited to restaurants, parties, theatre, operas, cinemas, and other social activities.

15. If answer to interrogatory Number 14 is yes, state forth in detail each and every occasion and the location thereof when Mildred Terner was a guest and/or date of Jerald S. Kalter.

JA 201

16. State whether Mildred Terner was ever a guest of any member of Metropolis Country Club, Westchester County, New York.

17. If the answer to interrogatory Number 16 is yes, set forth each and every occasion that Mildred Terner was a guest and/or date of any member of Metropolis Country Club, specifically naming the host on each occasion.

18. Did Jerald S. Kalter ever pick up Mildred Terner at her home located at 17 Cornell Street, Scarsdale, New York?

19. If the answer to interrogatory Number 18 is yes, state the date and time of such meeting.

20. Did Jerald S. Kalter place prearranged telephone calls to Mrs. Mildred Terner in the County of Westchester, State of New York.

21. If the answer to interrogatory Number 20 is yes, set forth the following detail:

- a. The date each and every call was made.
- b. The place where Mildred Terner received such calls.
- c. The length of time of each said telephone call.
- d. The purpose of such telephone calls.

22. Did Mildred Terner ever have a discussion with one Timothy Fenton.

23. If the answer to interrogatory Number 22 is yes, set forth in detail the following:

- a. The dates of such conversations.
- b. The substance of such conversations.
- c. The length of time of such conversations.

24. State whether Mildred Terner ever moved out of the marital bedroom located at 17 Cornell Street, Scarsdale, New York.

25. If the answer to interrogatory Number 24 is yes, state the date such move took place.

26. State whether Mildred Terner ever met with Jerald S. Kalter on August 23, 1970

27. If the answer to interrogatory Number 26 is yes, state where and the time of day or night and the duration of such meeting.

28. Was M.T. ever a guest of Mr. and Mrs. Broadman of Harrison, New York at their house or aboard their yacht as the date of Jerald S. Kalter.

29. If answer to interrogatory Number 28 is yes, state on each and every occasion when Mildred Terner was Jerald S. Kalter's guest at the home or aboard the yacht of Mr. and Mrs. Broadman and the duration of such meeting.

30. State whether Mildred Terner ever met with Jerald S. Kalter prior to his testifying as a witness in the case of TERNER v. TERNEP.

31. If the answer to interrogatory Number 30 is yes, set forth in detail the following:

- a. The date of such meetings.
- b. Who was present at such meetings.
- c. The substance of the conversation at such meetings.
- d. The duration of such meetings.

32. Did Mildred Terner ever compile notes as to how Jerald S. Kalter was to testify in the case of TERNER v. TERNER, Supreme Court, Westchester County, Special Term Part V, Justice William A. Walsh, Jr. presiding.

33. If the answer to interrogatory Number 32 is yes, annex a true copy of each and every note compiled by Mildred Terner as to her advising Jerald S. Kalter how to testify as a witness in the case of TERNER v. TERNER.

34. Annexed hereto and marked Exhibit A is a copy of a note. State whether defendant Mildred Terner wrote this note; to whom she wrote this note; when such note was written and the purpose of such note.

35. State whether defendant Mildred Terner has in her possession originals and/or copies of plaintiff's personal records.

36. If the answer to interrogatory Number 35 is yes, annex a true copy of each and every record of the plaintiff now being held by the defendant Mildred Terner.

37. State whether Mildred Terner still sees defendant Jerald S. Kalter on a social basis and how often she sees him on a social basis.

38. State whether Mildred Terner on August 11, 1970 made a telephone call to the residence of Mildred Terner's daughter who resides in New Jersey, from Jerald S. Kalter's home telephone and/or office telephone.

39. If answer to interrogatory Number 38 is yes, was Jerald S. Kalter present when the subject telephone call was made.

40. If answer to interrogatory Number 38 is no, did Mildred Terner receive a telephone call on August 11, 1970 while she was at the residence of her daughter in New Jersey.

41. State whether defendant Mildred Terner from January 1, 1970 to date has had any telephone conversations and/or meetings with one Bernard G. Gordon of Peekskill, New York.

42. If the answer to interrogatory Number 41 is yes, set forth the following in detail:

JA 204

a. The dates of such telephone calls and/or meetings.
b. The duration of such telephone calls and/or meetings.
c. Whether such telephone calls and/or meetings were
in the presence of others.

d. The purpose of such telephone calls and/or meetings.

43. If answer to interrogatory Number 41 is yes, who
was present in each instance.

44. If the answer to interrogatory Number 41 is yes,
state locations of such telephone calls and/or meetings.

45. Have you had occasion to retain others to conduct
a surveillance and/or investigation of William Terner in order
to further your interests as plaintiff in the case of Mildred
Terner against William Terner.

46. If the answer to interrogatory Number 45 is yes,
state which private detective agency and/or agencies were
retained, the date of such retention, the services rendered,
and the payments made to such private investigation agency and/or
agencies.

47. Annexed hereto and marked Exhibit B is a bill from
Superior Detective Agency.

a. Was this bill rendered in your behalf regarding the
aforementioned services.

b. Was the same paid by you or in your behalf.

c. Annex hereto any and all copies of checks, money
orders, or other evidences of such payments to Superior Detective
Agency directly or indirectly.

PLEASE TAKE NOTICE that a copy of the answers to these

JA 205

interrogatories must be served upon the undersigned within
fifteen (15) days after the service hereof.

Dated: New York, New York
November 20, 1972

SIDNEY RABEKOFF
Attorney for Plaintiff
68 East 56th Street
New York, New York 10022
(212) 832-8112

Jerry

Sept 20 - I called you late morning
at home, you told me you had
a visitor. You asked where you
could speak to me. I told you
the Schrafft number (6972)
9862?

Sept 20 -
After that made arrangements on
a daily basis what time he
would call me there or if I
would call out beginning 9:00 a.m.
(Calls consisted of the actions & conduct
of Mr. Jerry, past & present)
trial story off record

29 one more 15 minutes off the books
at Schrafft 19862
note this one

Calls from Sept 20 - Oct 15

1. Association
2. Trial dates
3. Trial dates
4. Visits to the hospital
5. News affidavits

Between Sept 20 + Oct 15 - 8 am - 6 pm
at Schrafft 19862

455

Exhibit I-2 to Amended Complaint

JA 207

SM/C

SUPREME COURT : NEW YORK COUNTY

INDIVIDUAL CALENDAR : PART XII

WILLIAM TURNER,

Plaintiff,

Index No. 22772/1972

-against-

MILDRED TURNER and JERALD S. KALTER,

Defendants.

(HONORABLE JUSTICE MARTIN B. STECHER PRESIDING)

SUPREME COURT : NEW YORK COUNTY
INDIVIDUAL CALENDAR : PART XII

JA 208

WILLIAM TERNER,

Plaintiff,
-against-

Index No. 22772/1972

MILDRED TERNER and JERALD S. KALTER,
Defendants.

STECHER, J.:

This is one of numerous actions and proceedings brought by the plaintiff against his wife, her alleged paramour, the latter's accountant, and others in varying combinations. At my direction the parties to some of this litigation have written to me setting forth the several actions brought by the husband since the trial of the divorce action in Westchester County and I direct that the letters be filed herewith. There appear to be about a dozen such actions and proceedings pending and in many of them, motions pending before me are addressed to disclosure proceedings, in most cases sought by the plaintiff husband.

The thrust of the inquiry sought by the plaintiff in almost every instance is to inquire into relationships between Mrs. Terner and Dr. Kalter. The evidence sought is appropriate perhaps to a cause of action for divorce on the grounds of adultery; but that action has been tried and I will not allow it to be relitigated here. Certainly, I will not permit disclosure of evidence of adultery in a non-divorce action where it is irrelevant to the issues and wouldn't even be allowed in an action for divorce (Cf. Weinstein-Korn-Miller, New York Civil Practice § 3101.19).

JA 209
SW/C

In this particular case the plaintiff asserts two causes of action: one for damages against Kalter for his alleged failure to respond to a subpoena duces tecum (CPLR 2303) in the divorce proceeding, and the other against Kalter and Mrs. Terner for damages for their alleged conspiracy to prevent Kalter from producing the subpoenaed articles. The plaintiff has served 47 numbered interrogatories on Mrs. Terner (with numerous lettered subdivisions) and now moves to strike her answer for failure to respond. Mrs. Terner, who appears pro se, appeared on the return date of the motion in opposition thereto, but has submitted no affidavit.

A reading of the interrogatories reveals that not a single one is relevant to the issues of this litigation. As previously indicated, each question seeks proof of adultery. The court is charged (CPLR 3103 a), "on its own initiative" to make a protective order denying the use of a disclosure device where necessary to prevent "unreasonable annoyance, expense, embarrassment, disadvantage or other prejudice to any person or the courts." I hold that this attempted use of a disclosure device is unreasonably annoying, expensive and embarrassing to the defendant Mildred Terner and accordingly, the motion to strike her answer (CPLR 3126) is denied with costs of \$25 to defendant ~~vs.~~ Mildred Terner.

Furthermore, in order to prevent further abuse, no disclosure device not already ordered shall be availed of by any party to any of the cases pending before me in which Mr. and Mrs. Terner are parties without the court's prior consent.

Dated: May , 1973

J. S. C.

Exhibit J-1 to Amended Complaint

JA 210

SUPREME COURT : STATE OF NEW YORK
COUNTY OF WESTCHESTER

MILDRED TERNER,

Plaintiff,

Financial Hearing

Index No. 7920/1970

- against -

WILLIAM TERNER,

Defendant.

(HONORABLE WILLIAM A. WALSH, JR., PRESIDING.)



Erdheim Shollack & Falk Egg
342 Madison Avenue
New York, N.Y.

194

JA211

JA 212

ERDHEIM, SHALLECK & FALK
COUNSELORS AT LAW
342 MADISON AVENUE
NEW YORK, N.Y. 10017

682-6800

LEONARD L. ERDHEIM
LEONARD S. SHALLECK
MORTON P. FALK
MICHAEL F. ERDHEIM
EDWARD FRANK

October 15, 1974

Receipt is acknowledged this day of
envelope addressed to Erdheim, Shalleck
& Falk, Esq., postmarked October 9,
1974, from White Plains, NY
with the words "filed decision 10/9/74"
indicated in lowerleft hand corner

WILLIAM TERNER

465

Order of Justice Wood

JA 213

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

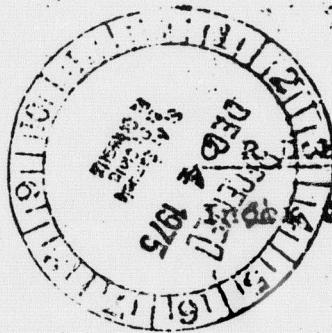
MILDRED TURNER,

Plaintiff,

- against -

WILLIAM TURNER

Defendant.



Upon the Order to Show Cause dated July 17, 1975, signed by the Hon. George Burchell, Justice of the Supreme Court, affidavits in support and in opposition thereto and the Order of the Court dated September 3, 1975, duly entered on September 15, 1975, signed by the Hon. Leonard Rubenfeld, Justice of the Supreme Court, setting the matter down for a hearing on the issues of the amount of the alleged arrears on the part of the defendant, as well as Plaintiff's alleged delay of the sale of the marital house, and upon the Note of Issue filed by the Plaintiff in accordance with Judge Rubenfeld's Decision and Order; and upon the Order to Show Cause dated October 31, 1975, signed by the Hon. James R. Caruso, acting Justice of the Supreme Court, and the matter having come on before the Court to be heard on the 10th day of November, 1975 and the Court having heard testimony with respect thereto and the Court having had due deliberation thereon, now on motion of DEEPY & SPRING, P.C., attorneys for the plaintiff, MILDRED TURNER, it is

555

ADJUDGED, that the defendant is in arrears in the sum of SIX THOUSAND NINE HUNDRED (\$6,900.00) DOLLARS, which sum represents the failure of the defendant to make weekly payments in the amount of THREE HUNDRED (\$300.00) DOLLARS per week from May 30, 1975, up to and through November 10, 1975, in accordance with the provisions of a Judgment of the Supreme Court, duly entered on May 24, 1973, which Order and Judgment to pay the said sum of THREE HUNDRED (\$300.00) DOLLARS per week has not been modified and is still in force, and it is further

ADJUDGED, that the defendant is in arrears for the payment of the mortgage payments on the marital premises located at 17 Cornell Street, Scarsdale, New York, in the sum of NINE HUNDRED TWENTY-ONE (\$921.00) DOLLARS, which sum was ordered to be paid in accordance with the provisions of a Judgment of the Supreme Court, duly entered on May 24, 1973, which Order and Judgment to pay the said mortgage payments has not been modified and is still in force, and it is further

ORDERED, that the property of the defendant wherever located in the State of New York, both real and personal and both tangible and intangible, be and the same hereby is sequestrated pursuant to Section 233 of the Domestic Relations Law, and it is further

ORDERED, that the plaintiff, MILDRED TERNER, is hereby appointed receiver and sequestrator of the property of the defendant, WILLIAM TERNER, both real and personal and both

tangible and intangible and have the rents, profits, dividends, interest and income therefrom, specifically any income in the form of stocks, bonds and other evidences of debt enuring to benefit the defendant, WILLIAM TERNER, and such other properties the defendant may have or may hereafter have and said receiver is hereby directed to take possession of said property, both real and personal and both tangible and intangible and to hold the same and to collect, receive and hold any interest, income and profits and to pay therefrom the aforesaid arrears and to also pay therefrom all obligations of the defendant, pursuant to the Judgment of Divorce dated October 31, 1974 as well as any obligations of the defendant pursuant to this Order and to hold the balance therefrom till further order of this Court and that the said receiver have the usual powers and duties of receivers and sequestrators in such cases, and it is further

ORDERED, that the plaintiff, MILDRED TERNER, is hereby appointed receiver without an undertaking of the real property and interest of the defendant, WILLIAM TERNER, particularly, but not limited to the real property, consisting of a one family house at 17 Cornell Street, Scarsdale, New York, held as tenants by the entirety and she is hereby directed to sell the said real property including the interest of the defendant, WILLIAM TERNER, and after deducting expenses of said sale, deducting therefrom any brokerage fees, attorneys fees and from the net proceeds thereof one-half is to be paid over to MILDRED TERNER as her interest and

from the remaining one-half of the proceeds she shall deduct therefrom, all obligations of the defendant, pursuant to the Judgment of Divorce dated October 31, 1974 as well as any obligations of the defendant pursuant to this Order and the balance to be placed in an account to be used for the support of the plaintiff, MILDRED TERNER, and it is further

ORDERED, ADJUDGED and DECREED, that the defendant, WILLIAM TERNER, shall pay to the plaintiff, MILDRED TERNER, as and for additional counsel fees and expenses, the sum of

(Signed) FIVE Hundred (\$500) — DOLLARS, and it is further

ORDERED, ADJUDGED and DECREED, that the plaintiff, MILDRED TERNER, residing at 17 Cornell Street, Scarsdale, New York, shall recover of the defendant, WILLIAM TERNER, the sum of SIX THOUSAND NINE HUNDRED (\$6,900.00) DOLLARS and NINE HUNDRED TWENTY-ONE (\$921.00) DOLLARS, making a total of SEVEN THOUSAND EIGHT HUNDRED TWENTY-ONE (\$7,821.00) DOLLARS, as arrearages due under the Orders of this Court and that the plaintiff have execution thereof.

ENTER
WHITE PLAINS, N.Y.
Nov 24, 1975

Harold L. Wood
HAROLD L. WOOD
Justice, Supreme Court

*Filed
12/1/75*

County Clerk

**Parts II, III, and IV of Plaintiff's Affidavit
in Support of Amended Complaint**

UNPUBLISHED COPY - NOT FOR COURT
SOMETHING ELSE IS NEEDED OR DESIRED

JA 217

WILLIAM TERNER,

Plaintiff,

- against -

HON. JAMES D. HOPKINS, Justice of the Appellate Div. of the State of N.Y.; HON. LEONARD RUBINFIELD, J.S.C. of the State of N.Y.; JAMES DEMPSEY, ESQ.; HON. ALVIN R. RUSKIN, J.S.C. of the State of N.Y.; HON. HAROLD L. WOOD, J.S.C. of the State of N.Y.; STATE SEN. BERNARD G. GORDON, Chairman, N.Y.S. Judiciary Comm.; HON. MARTIN B. STECHER, J.S.C. of the State of N.Y.; JERALD S. KALTER, M.D.; HON. JOHN C. MARBACH, J.S.C. of the State of N.Y.; MILDRED TERNER; KRAFTCO CORP.; and MFG. HANOVER TRUST CO. (Transfer Agents for KRAFTCO CORP.),

Defendants.

MY AFFIDAVIT

75 Civ. 3673 (WK)

-- I --

THE BASIS COMPELLING AN
IMMEDIATE TEMPORARY STAY OF
TWO N.Y.S. SUPREME COURT
ORDERS PENDING THIS COURT'S
DETERMINATION OF MY MOTION
FOR A PRELIMINARY INJUNCTION

-- II --

AN OVERVIEW OF THE PAST FIVE
YEARS COURT AND RELATED
HAPPENINGS WHICH LED TO MY BEING
FORCED TO GO PRO SE HERE
AND IN THE NEW YORK STATE
WESTCHESTER COUNTY SUPREME
COURT

-- III --

SUMMARY OF FACTUAL BACKGROUND

-- IV --

STATEMENT OF FACTS WITH
EXHIBITS

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

WILLIAM TERNER, being duly sworn deposes and says:

I am the plaintiff in the above entitled matter.

THIS SEPARATELY SIGNED AFFIDAVIT CONSISTS OF PARTS II, III, AND IV. (PART I IS SEPARATELY SIGNED AND IS PART OF SUPPORTING PAPERS FOR AN ORDER TO SHOW CAUSE AND AMENDED COMPLAINT CONTAINED IN SEPARATE FOLIO BOOK NO. 1.)

-- II --

AN OVERVIEW OF THE PAST FIVE YEARS COURT AND
RELATED HAPPENINGS WHICH LED TO MY NOW BEING
FORCED TO GO PRO SE HERE AND IN THE NEW YORK
STATE WESTCHESTER COUNTY SUPREME COURT

This overview is to support my contention that

certain Judges and politicians in New York State acted in

a way to effectively deny me equal protection and procedural due process under the law as is guaranteed by the Constitution of the United States.

The details concerning the merits of the manifold litigation are comparatively unimportant. Evidently the term "Judicial Discretion" is broad enough to "cover" a Judge's mistakes whether said mistakes are due to incompetence or to other motivations.

It is apparent that many N.Y.S. Judges subscribe to what I now understand to be a long time practice of "the Judiciary protecting the Judiciary".

The stakes are high. A \$50,000.00 court awarded counsel fee is involved here which has been awarded over and above the previously admitted \$15,000.00 legal fee received by the adversary attorney. There exists some possibility in the light of such "heavy" legal fee awards that there can be sharings and/or referral "kickbacks". Insofar as the judiciary benefactors are concerned -- I have submitted proof that lavish entertainment has been bestowed upon certain Judges hearing my matters before adversary attorney James Dempsey. Certainly lavish entertainment could be considered emoluments accruing to benefactor Judges that hear cases without revealing a personal relationship with a litigating attorney and without disqualifying themselves in the alternative as is prescribed.

Many of the attorneys I have been involved with in my attempts to seek equal protection in the N.Y.S. Judiciary system have been paralyzed by fear of reprisals by the Judiciary should they openly align themselves with me in

exposing the hard facts. Their fear of Judicial reprisals has manifested itself in the form of attorney refusals to get into the areas that a Judge or fellow attorney may find "sensitive". Indeed all the way to a complete desertion at a time when one attorney was obligated at least morally -- if not legally, to see through a situation which he knew to have legal merit. I have glaring examples of attorneys maliciously distorting the true facts in order to protect the Judiciary instead of me, their client.

This is not a business case. It directly involves my life and indirectly - it surely involves the principles that my children, all in their twenties, will live by for the rest of their lives. No doubt their own principles will be passed on -- as to what they believe to be the truth -- to their own children.

There have been efforts to cruelly distort my motivations in fighting back and exposing corruption in certain segments of the N.Y.S. Judicial System. The facts are simple and clearly documented in the most straight-forward way that I, who have not had the benefit of legal training, can present.

I know that this effort is my last and only chance to receive the equal protection and procedural due process that I thought I was guaranteed by our Constitution.

I cannot find an attorney willing and able to endorse his name next to mine on papers now presented

to this Court in accordance with normal procedure. Therefore, I have no other recourse but to trust that this Court's interest in justice is greater than in procedure.

No decision that this Court could render can compensate me for the five years of my life spent in the labyrinth of judicial twists and turns to which I have been mercilessly forced into by certain segments of the N.Y.S. Courts. Nor can this Court give back to me my former good health that has been sacrificed in my past futile efforts to achieve justice playing the polite game of "legal checkers" according to the private rules set up by many attorneys in concert with many Judges. Financially, much of the fruits of my life's work have been dissipated.

I have tried to live up to my obligations as a decent citizen supporting our Democratic system in all ways -- including four years of World War II service (like so many other millions of Americans), and I have seen human sufferings and have witnessed good blood spilled at the same time others were making their financial fortunes on that spilled blood. A corruptible Judge is far more guilty than a war time black marketeer. Gangsters are generally known for what they are and do not confuse or mislead the public. A corruptible Judge or politician masquerading as a "benefactor of the people" when in fact they are despicable parasites -- should be exposed for what they are and not be tolerated. Such exposures will not only nip the poison fangs, but will also serve as a

warning to others who find that their own digestive systems likewise will and can indeed live off the flesh of their fellow human beings - including our own children's flesh.

I have no other option but to clearly present the documentations of all of the happenings. I, as an individual do not possess the logistical and financial resources of the State of New York. I desperately require a quick and positive affirmation from this Court, after proper deliberation - that my charges of Judicial influence and Judicial bias are indeed accurate. Anything less than such a confirmation will result in my having to finally abandon my personal request for equal protection and due process under the law.

I have done far more than any individual citizen could rightly and practically be called upon to contribute to the cause of decency and to the cause of forcing adherence to the Judicial vows by Judges violating those vows.

I do not like being "suckered". If this Court does not stay the machinations of a clearly defined area of Judicial malpractice in segments of the N.Y.S. Courts, then this Court will be making it's own contribution to furthering despicably corrupt systems which, because of built in "private understandings" will continue to propagate itself to the detriment of ordinary citizens like myself. The built in self-serving interests in segments of the N.Y.S. Judicial system oftentimes guarantees that certain politically influential attorneys have distinct advantage over those not possessing that influence.

Unfortunately any judicial sentence against such corruption will be a vote against our precious Constitutional rights which were and hopefully still are the mainstay for our great Country's moral survival. After all, it was our Judicial Branch of Government which was responsible for the effective resignation of even a recent President and Vice President. Had the Judiciary elected to remain silent and permitted politicians to sit in judgment of themselves, there can be no doubt that the end result would have been different. "Watergate" would have been "swept under the rug".

I understand that this Court is not primarily concerned with the actual merits of any case that has been adjudicated prior to the presentation here except as to the background. This affidavit makes general background references which I believe is critical in understanding the overall picture.

Before my then wife notified me of her intention to divorce me, I was a man in excellent health both physically and financially living in a lovely suburban home and enjoying a good relationship with my children. Now I have no relationship with my children and my doctor advises me that my health is not good due to my having been subjected to five years of extreme Court oriented pressures that would have literally killed me if it were not for the fact that my former health had been excellent.

Several months prior to my having been officially served with "divorce papers" by my then wife's attorney, she

acted in a manner which apparently was designed to goad me into bringing my own action against her. I discussed this entire matter in fine detail and in confidence with my attorney, State Senator Bernard G. Gordon of Peekskill, N.Y. It was clear that if I would not be goaded into taking the divorce initiative -- that she would.

He strongly advised me to use a close personal and political friend of his, James Dempsey, the senior partner of the White Plains, N.Y., law firm now known as Dempsey and Spring, P.C. I advised Gordon that I had another attorney in mind whose practice was devoted exclusively to divorce actions and told him the name of that attorney.

Unbeknown to me at that time Gordon then led my wife to James Dempsey who instituted divorce proceedings against me on grounds of alleged mental cruelty and that was the start of a pattern of peculiar strange happenings.

Extensive private investigative work finally revealed that her doctor (who stopped sending me bills a year before) was also her lover. They were discovered to be using a nephew's apartment as a love nest and after this was documented in Court, they themselves admitted to utilizing this apartment but they claimed it was for medical talks and conferences (although the testimony revealed that shades were drawn and lights were out). Amongst other corroborating testimony as to their ongoing relationship was considerable testimony of the doorman who also testified that my then wife approached the doorman to buy his silence after disclosure on the record.

This was never denied by my then wife. A cross-complaint of adultery as well as mental cruelty was instituted by me.

A few months after the trial had started and after the public disclosure of the co-respondent there was a Court adjournment for the purpose of possibly arriving at a settlement. I was reluctant to settle under unfair terms.

During that adjournment, Gordon communicated with me telling me an incredulous story of a blackmail letter that he had received concerning me which smacked of Gordon's attempt to intimidate me into an unfair cash settlement at that time. I have documentation of this.

I finally woke up to the fact that Gordon was taking an active interest against me whether because of a referral fee from Dempsey that he knew he could not get from my own attorney, or for other reasons. My then wife moved out of the marital bedroom several months prior to the time that I was served with Dempsey's "divorce papers." She had made several unsuccessful attempts after having moved out of the marital bedroom to have me "followed" from the marital residence, which I am told is a difficult feat due to the "country" roads.

Gordon and I had scheduled a meeting at the Pierre Hotel in New York City six weeks before I was initially "served" by Dempsey. Gordon and I previously agreed that no one else was to have knowledge of this meeting that did not relate to the divorce situation.

I arrived at the appointed time and instead of finding Gordon, I found that he had sent in his stead his houseman-

chauffeur, Nathaniel Warren, and since the purpose of the meeting was not for discussion, the business was transacted with Warren. As I left the Pierre Hotel, I noticed that I was being "followed" by two men carrying camouflaged walkie-talkie units. (Upon reflection by my investigator at a much later date I was informed that a successful surveillance should be predicated upon a starting point known to the man surveilling while unbeknown to the subject.)

My then wife's conduct appeared contrived and therefore I was extremely alert for any ploys and was able to successfully evade the "tail" once I was aware of the existence of same.

However, that incident caused me to question Gordon's ethics and motives. (My investigator later advised me that Nathaniel Warren of Peekskill, N.Y., was being carried on the State payrolls as one of Gordon's staff members and had formerly been employed as an armed guard.)

I later discovered that Dr. Kalter had been for twelve to fifteen years, in the past, a close friend as well as the family cardiologist for one Charles Levy, the father of Mrs. Milton Seiden of New York City (See Ex. "A-1") and the Seidens and Gordons are not only close relatives but also life long friends and in fact it was Mr. Charles Levy's daughter who arranged for the initial social introduction of Mr. and Mrs. Gordon which resulted in their marriage.

It became increasingly apparent that powerful political forces were working behind the scenes to benefit my ex-wife and the co-respondent doctor at my expense and now the motivations were obviously stronger than referral

fees.

JA 226

The trial proceeded with my adversaries committing countless perjuries and subornings of evidence and there was even clear evidence of Court irregularities since Judge William A. Walsh, Jr., and his staff dismissed beforehand my witnesses who were properly served -- and without even notifying my attorney or myself.

It became necessary for me to institute separate litigation which disclosed and documented the perjuries and Court irregularities and the subornings of evidence and even documented that in some instances -- Judge Walsh had actually cited in his decisions as fact -- adversary witnesses' lies that I had contended were lies and that were denied as lies by my adversaries.

Prior to the completion of the trial, an application was made to Judge Walsh that he rule summarily on the question of whether or not my wife was guilty of adultery which, if was so ruled by Judge Walsh, would have eliminated the need for any further proceedings such as financial hearings, etc.

Judge Walsh ruled that he would not find my then wife guilty of adultery or mental cruelty but awarded her a divorce on grounds of my alleged mental cruelty against her.

After trial, I submitted simultaneously a 106 page memorandum of law to Judge Walsh and a 530 page motion for a new trial or in the alternative a reopening of the case in order to hear testimony in connection with the evidence adduced at the "outside" litigations that were necessary to document for Judge Walsh the many perjuries, subornings of

evidence and Court irregularities that had indeed taken place in his Courtroom. However, Judge Walsh rendered his decision only 4 working days later, which included a \$15,000.00 fee award (on top of another \$15,000.00 fee that Dempsey had received) and without benefit of a financial examination of myself.

Other written procedural requests were ignored.

A conspiracy action that I instituted in another Court proceeded in an orderly fashion until Gordon's name came up in connection with his attorney/client relationship with my ex-wife. The other Court abruptly terminated the proceedings and rendered a decision which was partly based upon the Judge's disclosure of his having received letters of complaints about me from my adversaries, but he never gave me the opportunity to even answer any allegations and the first time that I ever knew about such letters was when I first saw that adverse decision.

It was becoming increasingly apparent to any sophisticated observer -- that the combined clout of two such powerful politicians such as James Dempsey and Bernard Gordon were "boring-in" to "clip my wings" before I could expose the underlying facts for the many strange happenings that forced me to pit myself, one individual, against the almost invincible political forces of the New York State Judicial and Legislative systems.

After all, Gordon is a longtime political ally of former Governor Rockefeller and longtime politician James Dempsey. Gordon is Chairman of the N.Y.S. Judiciary Committee, the most important factor in State Court reform; Dempsey's

friends' Judges Hopkins and Mikell, are on the Temporary State Commission on Judicial Conduct, which decides whether or not a N. Y. State Judge charged with misconduct is to be tried and pages 926-927 extracted from the N.Y.S. 1974 Legislative Manual as part of Ex. "F-1;" Dempsey himself is on a screening panel whose function is to approve candidates for possible Judgeships and a New York Times article showing Dempsey's appointment is included as Ex. "F-2." There is no doubt that Dempsey has been a "political powerhouse" in N.Y. State for decades.

It has been well established that both Bernard Gordon and James Dempsey, both from Peekskill, N.Y., have indeed been lifelong friends. In fact, it was James Dempsey who was the toastmaster at Gordon's 25th wedding anniversary.

It has been said that politicians have "strange bedfellows." My investigator was assigned the task of determining links, if any, between Gordon, Dempsey, Kalter, and one Don V. Brandon of Union Avenue, New Rochelle, N.Y. It had been determined by surveillance that on the night of July 5, 1970, my then wife made a pay phone telephone call in New Rochelle and 5 minutes later a 1970 Cadillac met her car and she entered the Cadillac next to the driver. They drove to a nearby side street and remained there until she was returned to her car. The male driver of the 1970 Cadillac was unidentified, but the license plate PS 4207 (N.Y.) showed ownership in the name of Don V. Brandon.

My investigator attempted to find out who Brandon was and what links he may have had with anyone connected with

the litigation. An investigation of Brandon at the County Clerks office revealed very substantial real estate and mortgage holdings that seemed incongruous for a man whose listed occupation was that of a post office clerk and also owned a new Cadillac. I was advised by the investigator that although in many New York State municipalities he could simply approach the Chief of Police and receive an individual's profile report, that in New Rochelle he would not dream of doing that since if one were involved in local surreptitious activities known to the police, that their hands would be tied by the local politicians in revealing such knowledge.

Brandon's telephone records along with others were subpoenaed from the N.Y. Telephone Co., which has a time limit on retention of files. Just as soon as Brandon was served with a subpoena -- his telephone records indicated that he immediately telephoned a Willie Barksdale of Newburgh, N.Y. and/or Foster Town, N.Y. Barksdale was also investigated and similarly appeared to be one who lived beyond his means. Barksdale, another Civil Service employee -- was employed in a maintenance man capacity at the West Point Military Academy. My investigator reported to me that Barksdale's true business was reputed to be that of a "bookie" and "numbers" contact for that area.

The main litigation decision rendered by Judge Walsh was appealed to the Appellate Division, Second Department and was substantially affirmed.

JA 230

Both the Appellate Division and the Court of Appeals denied permission to appeal to the Court of Appeals.

The motion for a new trial or in the alternative to reopen the case that was denied by Judge Walsh was affirmed by the Appellate Division, Second Department with Judge James D. Hopkins presiding and that appeal is contained within Exhibits "B-3" and "C-1."

Judge Walsh held a financial hearing of me, refused to recognize my own substantial liabilities, including substantial IRS obligations brought about by the necessary sale of assets triggered huge taxes in order to meet court imposed obligations. He predicated his award on post rather than pre-separated standards of living, all of which were astronomically inflated due to malicious divorce oriented pledgings of my credit by my litigating wife. He knew from evidence that I produced at an unnecessary enforcement hearing imposed upon me that my wife was running up bills 700% higher than the proven pre-separation standard of living.

Documented evidence produced in Court substantiated that my wife was engaged in fraudulent purchasing practices: charging merchandise to me and having her relatives returning that very same merchandise for - credits. Astoundingly, Judge Walsh permitted lawyers to rack up countless hours of unnecessary court appearances - all at my expense. My original argument supporting the unnecessary nature of the very expensive Court litigation had to be, in fact echoed by Judge Walsh in his decision since my adversaries were procedurally unwarranted in initially instituting the needless litigation.

This burdened me with yet further unnecessary legal expenses.

There are countless vendor litigations still pending involving tens of thousands of dollars of my wife's divorce-oriented bills still outstanding. I had made bona fide offers with all of the vendors to pay the proper proportionate part of those outlandish bills but most of the vendors feel that the courts will favor the wife and it is the wife that will be making further purchases with a new husband.

The Court was made aware that my wife was illegally disposing of major household valuables to even further enrich herself while being protected by Dempsey's influence and the amazing latitude of so-called "judicial discretion". For a divorcing wife to be brazen enough to unlawfully sell a piano out of the house is proof of the unrestricted license given to her by Dempsey.

I accused my then wife of stealing many personal records, files and even court exhibits, in addition to other personal property of mine. She was seen leaving Mr. Dempsey's office empty handed shortly after one such larceny. The issue of Dempsey harboring stolen goods was brought up before defendant Walsh and Dempsey claimed an attorney-client relationship as to why he or my ex-wife should not testify as to any of my allegations that Dempsey received and was the custodian of stolen goods. Judge Walsh was presented with the law citations that do not protect a thief by depositing stolen articles with that thief's attorney, but Judge Walsh "side-stepped" the issue.

A formal larceny hearing was held before Judge King, a Mamaroneck Town Justice and Dempsey was served with a duces

tecum subpoena to report any articles delivered to him by my ex-wife on a specific day. Dempsey did not respond to the subpoena and opposing briefs were submitted upon the Judge's instructions as to the validity of Dempsey responding to that duces tecum subpoena. After receipt of the opposing briefs, the Town Justice ruled that Dempsey was required to comply with that subpoena. Dempsey refused to comply although he was in contempt of Court. In fact, I wrote a letter to Dempsey before I received the decision and advised him that I would drop all charges and I would accept his word if he would simply make a written statement to me that he had not received any stolen goods from my litigating wife on the day in question. Dempsey refused to acknowledge my offer; the Town Justice - who received a copy of my letter - dismissed the case and did not hold Dempsey in contempt for non-compliance with the Court order. The case was dismissed because of a "one-on-one" situation but the outcome would have been different if the implied threat of contempt was pressed. Apparently, we not only have the attorney's fear of reprisals by Judges, but perhaps a Judge's fear of reprisals, by an "influential" attorney.

Without considering monies necessary for my own right to live, and without considering any of my liabilities Judge Walsh stated he is not interested in the IRS when I unsuccessfully attempted to get him to understand the magnitude of the expenses that these fraudulent court proceedings brought down upon my head J. I was mercilessly saddled with Court imposed liabilities.

Between the weekly cash award to my ex-spouse and my required maintenance expenses of my eleven room house for

he provided for her exclusive use there are no minor children, he saddled me with yearly cash expenses of approximately \$35,000. This is a bitter pill to take even if I were not aware that the named co-respondent who, according to his accountant at an examination before trial testified that the doctor reports income of close to \$100,000 per year.

On top of this, defendant Walsh made retroactive alimony and support awards of some \$25,000 although he was aware that at that time I was paying for ordinary and necessary expenses during such period. All of this was guaranteed to be paid to my ex-spouse by the sale of my house for which I worked so hard all of my life to purchase and enjoy.

It is a sad commentary when a Judge knowingly saddles a man with impossible obligations to meet.

Indeed, my ex-wife and Kalter do not make full use of even my house or Kalter's eleven room N.Y.C. apartment. They are constantly vacationing together. Kalter does not even have the decency to put his car in the garage out of view for all to see and he constantly parks his Lincoln directly in front of my circular driveway.

Should I have to lose the fruits of my life's work to provide co-respondent Kalter with a convenient country home while he and my ex-spouse are holding themselves out as husband and wife - which I understand negates my legal obligation for alimony support? Defendant Walsh awarded Dempsey a \$50,000 fee on top of having received a \$15,000 fee. Defendant Walsh also guarantees that Dempsey should likewise not lose any sleep "of whether or not his fee award

"is secured" since Judge Walsh arranged to guarantee his award to Dempsey by also escrowing for Dempsey the house sale proceeds.

The Court minutes in the hearings before Judge Walsh contain numerous references by him that he expected me to appeal the outcome of various hearings. Would this not indicate that his mind was made up against me beforehand? If he were going to weigh the evidence at the end of the proceeding before determining his decision - he could not have had such preconceived notions. My attorney received from Judge Walsh his decision on my financial hearing in an envelope bearing the printed return address of the Appellate Division, Second Department, which was scratched out in ink and Special V, without any return address, was inked in. I had noted previously that all of Judge Walsh's correspondence that I saw had been mailed out using regular stamps, but this one envelope bore a postage meter designation. This incident standing alone might not be suspect of somebody connected with Judge Walsh having pre-checked with the Second Department for somebody's opinion in the Appellate Division that Judge Walsh's decision would receive a "stamp" of approval beforehand. It appears strange for Judge Walsh to be using Second Department envelopes, to say the least, and to have inked in "Special V" - and did not even bother to include the actual return address. At this point, this can only be termed another "strange happening" and the original envelope together with the statement of receipt from my attorney's office is attached here for this

Court's consideration. This is known as Exhibit "J-1."

I have been inflicted with many mysterious and bizarre occurrences since the inception of this litigation, including evidence of what could have been an actual attempt upon my life within the past year. A residence that it was supposed I had utilized to reside in (and this was public knowledge), was broken into one night. Although nothing of value was stolen -- one of the bedrooms which I had arranged to be double-locked because it contained some of my personal belongings, had had the double locked door actually broken down in order to gain entry. A wardrobe containing my clothes was viciously slashed and a large hunting knife was imbedded through the wardrobe into my clothes. This was duly reported to the local police. I know that I was fortunate not to have been sleeping in the bedroom that night. (There were no occupants in that house that night). I note this as yet another "strange happening" within a pattern of "strange happenings."

The various sequestration and anti-sequestration motions and hearings, etc., which involved Judges Rubenfeld, Ruskin and Wood are documented in detail in Folio Book No. 1, which contains my ORDER TO SHOW CAUSE; my PROPOSED AMENDED COMPLAINT, my AFFIDAVIT PART I IN SUPPORT; and 8 exhibits.

There is no need to repeat those final happenings here except to reiterate that at this very moment -- the execution of Judge Woods' sequestration Order is being implemented and substantial justice requires immediate measures which would otherwise be irreversible and the question of whether or not

JA 236

my constitutional rights have been denied would become
academic.

(Parts III and IV follow and my signature is at the end of
the SUMMARY OF FACTUAL BACKGROUND and before the Exhibits).

-- III --

SUMMARY OF FACTUAL BACKGROUND

and

-- IV --

STATEMENT OF FACTS WITH EXHIBITS

A. A year prior to institution of the New York State Supreme Court, Westchester County action entitled Terner v. Terner, commenced in July, 1970, I told Bernard G. Gordon, Esq. of Peekskill, New York in confidence and as my attorney of my marital problems. He strongly urged me to use James Dempsey, Esq., the senior partner of the firm now known as Dempsey and Spring, P.C., of White Plains, New York; I told him I had a different attorney in mind. Gordon then led my then wife to Dempsey as her attorney -- in violation of several professional ethical standards. Gordon obviously was getting a referral fee from Dempsey and when the co-respondent in said litigation, one Jerald S. Kalter, M.D., (See Exhibit "A-1" for details), was finally discovered -- it turned out that Dr. Kalter was a long-time family doctor of Gordons' close relative and best friends, the father of Thelma Seiden -- one a Charles Levy (now deceased), who Kalter had medically attended for between 10 and 15 years (See Exhibit "A-1" for full name and address).

B. Judge Walsh rendered a decision in the main divorce litigation 4 working days after his receipt of a 106 page brief which

additionally contained many exhibits (See Exhibit "B-1").

Judge Walsh received notice in writing of our desire to submit our proposed counter-order at the proper time (See Exhibit "B-5"); but he completely ignored same and used Dempsey's proposed order as submitted to him (See Exhibit "B-6"). Judge Walsh awarded Dempsey a \$15,000.00 fee (See Exhibit "B-7") (on top of Dempsey having admitted to having received a prior \$15,000.00 fee from my ex-spouse) all without benefit of a financial examination of me.

(This one single point was reversed on appeal -- See Exhibit "B-8" and Judge Walsh apologizes for this to Dempsey -- See Exhibit "B-9"). I am advised that it is unusual for a Judge to award such a huge interim fee without benefit of a financial examination. There are revealing documentations of irregularities and improprieties contained in Exhibit "B-2," "B-3," and 'B-4." Page 427 of the financial minutes in Exhibit "B-4" shows the "chopped up" lengthy nature of the trial spanning over four years. Judge Walsh was both intemperate and unreasonable making statements like "I don't give a damn" and closed his mind to my manifold financial liabilities as reflected by his comments like "We are not concerned with the Internal Revenue Service." The minutes also reflect the bias against me (See Exhibits "B-10" and "B-11"). He made unreasonably high support awards which were not remotely in line with my ability to pay nor with the pre-separation standard of living as well as huge unwarranted attorney's fees. My ex-spouse and co-respondent Kalter were not

represented by the Dempsey firm in the numerous outside Court litigations.

C. I was forced to resort to other Courts in order to prove perjuries and Court irregularities that had taken place in Judge Walsh's Court and the result of those other litigations were included as part of the 530 page motion for a new trial that was submitted to Judge Walsh simultaneously with the aforementioned 106 page Brief on the divorce litigation. (Refer back to Exhibit "B-1" for Brief). (The Motion for A New Trial or in the Alternative to Reopen -- appealed to the Appellate Division, Second Department is utilized as Exhibit "C-1" for the convenience of printing. Between "C-1" and "B-3," the complete Briefs and Appeal record are included here). Judge Walsh disregarded the facts contained in the Motion for A New Trial without any explanation and simply stated -- "denied" (See Exhibit "C-2"). Those documented facts explicitly showed that Kalter had clearly perjured himself (See Exhibit "C-3"). Kalter testified that he did not bring his office records to Court in compliance with a duces tecum subpoena because they had been stolen and that this theft was reported to the Police. It was anticipated that the production of certain Police Department records in connection with testimony given by Dr. Kalter would additionally prove Kalter a perjurer. The Judge's staff and the sheriff were apprised well ahead of time that we were expecting vital witnesses in response

to so-ordered duces tecum subpoenas signed by Judge Walsh -- both from the N.Y.C. Police Department and from the N.Y. County District Attorney's office. The Judge's staff were clearly advised that those witnesses were to be detained and either myself or my counsel were to be immediately notified of their arrival.

The Police witness arrived and there was no notification of his presence to me or to my attorney. Even more baffling is the fact that this witness was actually excused with absolutely no notification to any of the individuals who were specifically to have been notified -- and who were available in the Courtroom at that time. It was not until the afternoon session that notification was given of the arrival and dismissal of the Police witness who had duly appeared at 9:30 a.m. that day. The Police Department witness and his records would have absolutely proven Kalter to again have clearly perjured himself, but since the witness had been dismissed -- Kalter could not be cross-examined in connection with the documents produced in response to the subpoena. This is in my motion for a new trial or in the alternative to reopen (See Exhibit "C-5", which includes the chronology of the unwarranted dismissal of that witness).

In much the same fashion, Dr. Kalter's accountant Irving Satty was subpoenaed as a witness by me. However, Mr. Satty never appeared. Neither I nor my attorney were notified of the fact that Satty had failed to appear, but no one was notified that the Court had excused his appearance. It was not until an examination before trial of Satty was

conducted in another action (after the conclusion of the divorce trial) that this information came to light (See Exhibit "C-4").

An excerpt from Kalter's testimony in March of 1972 is included as part of Exhibit "C-3" and concerns Kalter's clear statement in Judge Walsh's Court that his telephone was being tapped and that I was then currently being investigated as the perpetrator. The District Attorney's office responded to the so-ordered duces tecum subpoena by supplying a photocopy of their file card on that matter which showed that an investigation had taken place over a year before and that that matter had been closed out on March 1, 1971 (See Exhibit "C-3"). Kalter again clearly lied in Judge Walsh's Court and I was forced to prove this via outside litigation, after which I presented the documentations to Judge Walsh who chose to simply ignore the manifold documentations of Court irregularities, perjuries, newly discovered evidence, and subordinings of witnesses -- along with everything else that clearly warranted -- at the very least -- a reopening of the case and also calls for serious contempt proceedings.

D. The motion for a new trial went to the Appellate Division, Second Department with Justice James D. Hopkins the presiding Judge. A new attorney had been retained by me to argue in the Appellate Division who I felt would be more effective than the old attorney. Advance notice of this was given to the Second Department Chief Clerk Selkin and I requested and received from him the proper procedure for accomplishing the change of attorney to argue my appeal of the motion for a new trial. Proper application was made in accordance

with the Chief Clerk's instructions to me. The attorney retained to argue was unexpectedly held over in Federal Court in Florida and had been ordered by that Federal Judge to continue with that case (See Exhibit "D-1"). The application was made to Judge Hopkins for a few days adjournment or at the earliest convenient time that the same Court was sitting. This application was vehemently denied by Judge Hopkins who insisted that this matter be argued that day or not at all. The result of this was that a young attorney barely out of law school was forced to argue my complicated matter against the seasoned veteran James Dempsey. My submitted brief asked the Appellate Court to grant a new trial, reopen, or to declare a mistrial. Judge Hopkins' Court affirmed Judge Walsh's decision which denied my motion for a new trial (See Exhibit "D-2").

E. The above decision was rendered April 15, 1974. Approximately one week later the Kraftco case involving true ownership of certain stock, aside from the divorce action, was held before Judge Marbach. I felt that a different attorney of my choice could more securely protect my interests and the old attorney explained the situation to Judge Marbach and was relieved (See Exhibit "E-1"). Dempsey made shocking statements that I had tried "to pull the same thing" with the Appellate Division, Second Department and in response to Dempsey's statements -- Judge Marbach stated that he had spoken with the Second Department and

that the Second Department spoke disparagingly of me -- or words to that effect (See Exhibit "E-2"). Judge Marbach refused to grant an adjournment of only a week which would have enabled the new attorney to appear upon my behalf and insisted upon proceeding with me as a layman not having benefit of counsel. All this after Judge Marbach had relieved the first attorney and then threatened an inquest (See Exhibit "E-2"). Judge Marbach also made a comment to me to the effect that under ordinary circumstances he would take my word and the implication was quite clear that his conduct of that case was colored by the influence exerted upon him by Judge Hopkins' Court. Judge Marbach ruled from the bench the next day after I felt obliged to try to protect my interests by making some statements to the Court out of desperation. Judge Marbach knew of my second attorney to be a reputable man and yet did not give him the courtesy of a few days adjournment in order that I could have been represented by counsel of my choice.

F. On June 22, 1974, attorney Dempsey held a huge tent party on his estate in Peekskill, New York, where well over 70 cars were parked and it was ascertained that there were many Judges who were Dempsey's guests including James Hopkins (See Aff. PART I -- Ex. "1"). It may very well be that two or even three times the number of Judges whose cars were identified were also there but I could only say with certainty at this time that positive confirmation was

made of certain cars which turned out to be Judges whom Dempsey regularly practices before and who have it within their power to award to Dempsey his requested legal fees. An examination of Aff. PART I, Exhibit "l" shows the registered owners of cars parked on the Dempsey estate -- revealing that politicians and Judges from many different Courts around the State were in attendance. They came in to join in the festivities on Dempsey's Peekskill estate from as far away as Buffalo as did Judge Ann T. Mikoll. Judge Mikoll along with Judge Hopkins are members of the Temporary State Commission on Judicial Conduct whose function it is to "Receive and investigate complaints against any Judge of the unified court system; to commence investigations on its own initiative, and where appropriate, to recommend disciplinary action including the Court on the Judiciary" (See Exhibit "F-1" which is a photocopy of pages 926 and 927 of the 1974 New York Legislative Manual.) Other of Dempsey's "Judicial entertainees" decided various motions that I had submitted, but I am not belaboring this Court's records, since when those issues are weighed against other issues they are rightly comparatively subordinated. It should be noted from Aff. PART I, Exhibit "l" attached hereto, that my old attorney State Senator Bernard G. Gordon is the Chairman of the N.Y. State Judiciary Comm., and was naturally in attendance. I understand that lodgings were provided for some of the guests. There can be little doubt that attorney Dempsey and/or his law firm could not

afford to so lavishly entertain without claiming and receiving as huge business tax deductions such entertainment -- to be offset against income taxes due the I.R.S. How enigmatic that Dempsey can be permitted business deductions by the I.R.S. for grandly entertaining Judges he practices before and who actually control his own financial fortunes in the form of fee awards. My stunningly devastating legal defeats rendered by Dempsey's social friends have forced me to liquidate substantial assets triggering huge capital gains taxes part of which can justifiably be said help to pay for Dempsey's entertainings of the Judiciary. No doubt countless others along with myself have been put in this peculiar position by Dempsey's connivings where we actually have to pay for unequal justice before the law -- against our Constitutional guarantees. Strangely, Dempsey's political influence appears to spill over political lines since he was appointed by Governor Carey to screen prospective candidates for Judgeships (See N.Y. Times article -- Exhibit "F-2"). Practically, politician Dempsey has probably been unofficially doing this for decades.

G. Instead of disqualifying himself, Judge Hopkins did not even permit me counsel of my choice although I followed, to the letter, the Chief Clerk's procedure to accomplish this. In fact, Chief Clerk Selkin was in the Courtroom at the time that I had stated to Judge Hopkins that I had followed the precise instructions of Mr. Selkin. I noticed

then that Mr. Selkin approached Judge Arthur D. Brennan, also sitting, and whispered for several minutes into Judge Brennan's ear -- apparently confirming my statements made to Judge Hopkins. (I understand that Judge Brennan as well as Judge Hopkins have maintained long time Chambers in the Westchester County courthouse in White Plains).

H. The motion for a new trial denied by Judge Hopkins should have been declared null and void (Refer back to Exhibit "D-2"). The Court irregularities and proven perjuries documented to Judge Walsh in the motion for a new trial to the lower Court should have been acknowledged and the very least that Judge Walsh should have done was to reopen the case to hear the newly discovered evidence (See Exhibit "C-1") and this option was requested of Judge Walsh in the alternative.

I. During the outside actions required to document the true facts -- Judge Martin B. Stecher appeared to conduct orderly proceedings with the litigation progressing until my former spouse was served with an interrogatory where amongst other questions -- she was questioned about her client/attorney relationship with Gordon (See Exhibit "I-1"). My former spouse never denied that Gordon led her to Dempsey which, of course, would have made both Dempsey and Gordon ineligible for any fees due to their unprofessional conduct. In fact, Dempsey should have never taken the case since Gordon had confidential information concerning me in relation to strategy and tactics in the impending divorce action. Just as soon

as Gordon's name was mentioned, Judge Stecher instructed my former wife upon her application not to answer our interrogatories and in fact ordered me to clear with him any and all litigation that I wished to institute (See Exhibit "I-1"). I understand that this in itself, is a violation of my Constitutional rights. In light of the many other strange happenings -- this too could be questioned as to whether or not it was merely coincidental or was part of a pattern of happenings that defy the laws of probability. In Judge Stecher's decision (See Exhibit "I-2") he makes reference to letters he had received from my adversaries and the inference is perfectly clear that the contents of those letters were used as his basis to rule against me. How is it possible for me to receive the equal justice before the law guaranteed to me by our Federal Constitution if Judge Stecher made rulings based upon letters he had received from my adversaries; he cites those letters in his decision; and yet he never once afforded me an opportunity to see the contents of those letters and to defend myself against apparently derogatory contentions against me contained in those letters that I was being charged with. Judge Stecher clearly violated my Constitutional rights under color of law.

J. Judge Walsh sent in a copy of the decision on my financial hearing where he set alimony and other issues and my attorney received this decision in an envelope that had the return address of the Appellate Division, Second Department at 45

Monroe Place, Brooklyn, New York scratched out and although scratched out, it could be clearly seen. That original envelope is attached hereto and marked Exhibit "J-1." In lieu of a full return address, somebody inked in only "Special V" without any further identification as to where the envelope should be returned to if it were lost within the mails. Judge Walsh's many comments indicating that he fully expected me to appeal his decisions including his comments made in Exhibit "B-10," can logically lead one to question whether there might be some connection between this strange envelope and the possibility that someone on Judge Walsh's staff may have sought unofficial Appellate approval to avoid future embarrassment prior to mailing out subject decision. It will be recalled that both Judges Hopkins and Brennan have maintained long-time Chambers within the Westchester County courthouse in White Plains. This strange happening standing alone might be termed coincidence, but in light of the myriad strange happenings, this could justifiably be viewed with a "jaundiced eye."

K. Before I discovered the apparent reason for Dempsey's Judicial victories, I began to wake up to the fact that too many strange things were occurring for this to be coincidence and I decided to contact Maurice Nadjari whom I thought might be able to get to the bottom of the motivating forces behind the bizarre legal situations adversely affecting my life and the fruits of my life's

work. I felt that an experienced well respected veteran attorney like former Congressman Eugene J. Keogh could help me in my dealings with what appeared to be powerful political forces aligned against me and retained Mr. Keogh for the purpose of representing my interests with Mr. Nadjari. Mr. Keogh drafted a letter for me to Mr. Nadjari (See Exhibit "K-1") and in response to that letter I received a telephone call from an Assistant to Mr. Nadjari who was advised by me that Mr. Keogh was representing me in this connection. I was then advised by Mr. Nadjari's Assistant that Mr. Nadjari's authority did not extend outside of the New York City Criminal Court system (I since learned that Mr. Nadjari was given by then Governor Rockefeller powers broad enough to have looked into a situation such as mine but he evidently elected for some reason not to utilize such broad authorities granted to him initially when Mr. Nadjari was first appointed special prosecutor by then Governor Rockefeller. A newspaper statement attributed to Mr. Nadjari supposedly confirmed the broader powers not utilized). I advised Mr. Keogh of my conversation with Mr. Nadjari's Assistant concerning the reported limitation of Mr. Nadjari's authority, but Mr. Keogh advised me that he would nevertheless proceed with his own efforts upon my behalf since he had spent several hours reading the record of my case and informed me that he was convinced of the merits of my side of the litigation. Shortly thereafter, Mr. Keogh advised me that he was no longer interested in representing me -- without any explanation to me as to the reason for his reversed

attitude. Then, after this termination of our attorney/client relationship, Mr. Keogh was appointed to a "no show" \$42,500.00 a year position on the three man New York State Racing and Wagering Board. I state here that I do not intimate that Mr. Keogh was "politically paid off" by certain Albany interests who are close to politicians Dempsey and Cordon. However, in view of the magnitude of literally a kaliedoscope of strange happenings -- I feel obliged to note this here for what it is worth, if anything.

L. At the financial hearing, I insisted that my attorney Irving I. Erdheim subpoena Gordon since I felt that Dempsey had no right to any fee and in fact was guilty of malpractice along with Gordon. Erdheim refused to subpoena Gordon but at the first day of the financial hearing when Erdheim could not be present, I accused Gordon and Dempsey of in effect malpractice (See Exhibit "L-1"). Gordon did show up with an unnamed attorney at another date when Erdheim was there but Erdheim was reluctant to get into the meat of the situation with Gordon and he was excused supposedly to come back at another time (See Exhibit "L-2"). Attorney Samuel Gottlieb told me that he advised Judge Walsh in Chambers that it was unethical for Gordon to have led my ex-wife to Dempsey but Gottlieb too refused to subpoena Gordon as I had requested in connection with the Dempsey fee hearing. At that same time in Chambers, Gottlieb advised me that Dempsey had approached him requesting a \$50,000.00 negotiated fee settlement without a hearing

which was refused by Gottlieb. Judge Walsh did in fact award Dempsey that exact amount of money which Dempsey requested and this \$50,000.00 was on top of another \$15,000.00 that he admitted to having received previously (See Aff. Part I, Ex. "2" herein).

M. Considerable information confirmed the ongoing relationship between my former spouse and the co-respondent and in fact he is actually living at my house holding himself out with my ex-spouse as husband and wife and travelling out of the State together. I stopped alimony payments and there were certain other points of contentions and allegations on both sides. The co-respondent's son was actually making public statements that his father was married to my former spouse. I received a motion from my former wife for sequestration proceedings on the grounds that she was indigent (See Aff. Part I -- Ex. "5"). This Exhibit is the Order To Show Cause that both Judges Ruskin and Wood refused to even look at, let alone receive for consideration. Those papers contain proof that both Dempsey and my former spouse knowingly had lied in supporting affidavits submitted to the Court. I requested that the sequestration hearing include amongst other things the question as to whether my former spouse and the co-respondent were either married or holding themselves out as husband and wife and in either case she would be entitled to no alimony. Logic dictates that all other issues would become moot if they were holding themselves out as husband and wife and therefore the marriage issue should rightfully have been contained within the same ball of wax.

N. Cross motion papers on various collateral issues were then

presented to Special Term, Part V, Westchester County and were to be decided on submitted papers without argument.

I later learned upon my attorneys receipt of a short form ruling that it was Judge Leonard Rubenfeld who ordered the sequestration hearing to be heard along with the issues to be heard denying my request to have the marriage issue heard (See Aff. Part I -- Ex. "4"). Judge Rubenfeld should have disqualified himself because of his social and personal relationship with Dempsey (See Aff. Part I -- Ex. "1") or at least should have notified me of that relationship to give me the option of requesting a Judge who did not have such a relationship with Dempsey.

- O. The date for sequestration was to be set by a Judge presiding at Special Term, Part V on October 6, 1975. Attorney R. Pezzo and myself arranged for a representative attorney Steven A. Greenwold to submit the ex-parte Order To Show Cause (See Aff. Part I -- Ex. "5") papers upon my behalf in accordance with CPLR 2201 (concerning equity powers of the Court -- which was the authority for submitting the papers ex-parte).
- P. Attorney Greenwold appeared at Special Term, Part V the morning of October 6, 1975 and served a copy of those papers to the Dempsey firm representative as a courtesy only, and received an admission of service from them. Special V was presided over by Judge Alvin R. Ruskin who refused my request for a stay of the sequestration hearing pending the Federal Court's determination of whether I was

denied my Constitutional rights in the New York State Courts. In fact, Judge Ruskin did nothing more than glance at the first page of the application and flatly refused Greenwold's request conveyed by him on my instructions -- for a Court stenographer to record the Court happenings. Judge Ruskin refused on two separate occasions that morning to accept the papers or even to read them. He was made aware that the other side was served as a courtesy and had given Greenwold an Admission of Service. Judge Ruskin told Greenwold that I would have to go to the Federal Court to get a stay, and then set November 10, 1975, as the date for the sequestration hearing. Judge Ruskin acted in a most intemperate fashion. All the details of the happenings in Judge Ruskin's Court are accurately chronicled in a telephone conversation transcript between Greenwold and myself that took place that very same day (See Aff. Part I -- Ex. "7" attached herewith) and further documentation of those Court happenings is attested to in an Affidavit submitted to this Court by attorney Pezzo based upon his conversation with Greenwold that same day (See Aff. Part I -- Ex. "6").

Q. I appeared pro se on Monday, November 10, 1975 for the sequestration hearing held before Judge Harold L. Wood. The complete details and full minutes of that hearing are contained in Part I of My Affidavit and Amended Complaint. For reference convenience here, certain minute pages are extracted and the extracted pages are identified as Aff.

Part I -- Ex. "8" -- Excerpts. Judge Wood flatly denied my following requests: to accept the Order To Show Cause that Judge Ruskin had similarly refused; to accept Pezzo's affidavit and Greenwold's transcript which documented the happenings before Judge Ruskin (Judge Wood was made aware that the Dempsey firm had been served with a copy of those papers a month before); to not include that day an issue contained in an Order To Show Cause that I had received only two days before since (a) I had no time to answer and (b) the issues raised in that Order To Show Cause had never been before Judge Rubenfeld when he determined issues to be heard; to hear my contentions concerning my ex-spouse's impeding an orderly sale of the house which was clearly an issue Judge Rubenfeld intended to be aired -- (Judge Wood was aware of statements made in his Court by the Dempsey firm that were completely contradictory to their position stated in affidavits presented to Judge Rubenfeld -- at the lower half of minute page 93 attorney Spring informs the Court that my ex-spouse will only permit my appraiser access to the house if I agree beforehand to drop the house case against her); (in light of the Judge and myself having opposite interpretations of the Judge Rubenfeld Order on issues to be heard) -- a few days adjournment on that issue in order to get an attorney; the right for me to rebut the questions put to me while I was on the stand; the right to examine and/or cross-examine my ex-spouse; the right for me to have an attorney submit a

brief to Judge Wood based upon the Court minutes prior to Judge Wood rendering any decision.

Although Judge Wood refused to accept the Order to Show Cause that Judge Ruskin also refused, and although Judge Wood refused to even read that same Order that Judge Ruskin had also refused to read, and although Judge Wood knew that the Dempsey firm was served with a copy a month before, I did read into the record excerpts from that Order which clearly showed that indeed my ex-spouse had recently come into cash and readily saleable stock worth approximately \$30,000.00. This was never denied that day by Dempsey's partner Arthur J. Spring although he had every opportunity to do so. The proof contained in my Order To Show Cause clearly demonstrated that no harm could come to my ex-spouse if Judge Wood granted my requests made to him that would have given those proceedings at least some semblance of my being afforded equal protection under the law as I am entitled to. Judge Wood was aware that I had followed Judge Ruskin's instructions to try to get a stay from the Federal Court based upon my oral application, without supporting papers before Judge Whitman Knapp. Judge Wood was aware, as documented in the minutes, that both my ex-spouse and James Dempsey had sworn to false supporting affidavits in papers submitted to Special Term, Part V which Judge Rubenfeld decided on those submitted papers. The Dempsey firm had received the approximately \$30,000.00 on behalf of my ex-spouse over a week before those two false affidavits were sworn to. Mr. Dempsey's partner, Arthur J. Spring, Esq., was representing my ex-spouse

before Judge Wood. My ex-spouse was in the Courtroom. Spring could and should have strongly denied my serious accusations if they were not accurate -- but he did not. Judge Wood knew that he did not -- and the minutes bear this out.

R. The Dempsey firm submitted a proposed sequestration order approximately a week after that hearing and Judge Wood signed that order (See Aff. Part I -- Ex. "3"). The day after that order was filed, the Dempsey firm began execution of that order (See Aff. Part I -- Ex. "3") which is a copy of a letter received by my bank from the Dempsey firm concerning the execution of the Order and the Dempsey firm included a copy of Judge Wood's signed order and warned my bank that they would be subject to contempt proceedings for not immediately complying with that order. I have had many other similar reports and it may very well be that my house, at this moment, is in the process of being liquidated on a forced sale basis. The \$50,000.00 counsel fee awarded to Dempsey by Judge Walsh (See Aff. Part I -- Exhibit "2") is due to be paid on January 17, 1976.

This is a matter of great urgency and these papers would have been submitted before this time if it were not for health problems that have made it impossible to complete them sooner, especially in light of my having prepared these papers mostly by myself.

The papers contained many specific citations of the violations of my Constitutional rights in the New York

JA 257

State Courts together with their proof.

I have had some legal counsel on the more technical aspects of these papers, but have prepared the bulk myself in the most straightforward way that I know.

Sworn to before me this
30th day of December, 1975

WILLIAM TURNER
WILLIAM TURNER

LEONARD COOPER
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
Washington, D. C. 20535
Qualified to practice law in 1977
Commissioned December 3, 1975

Affidavit of Service by Mail

In re:

William Terner v. Hon. James D. Hopkins, et alState of New York
County of New York, ss.:

..... Harry Minott,
 being duly sworn, deposes and says, that he is over 18 years of age.
 That on JUN 29 1976, 197....., he served ^{one copy} ~~Hopkins~~ of the
 within Supplemental Joint Appendix in the above named matter
 on the following counsel by enclosing said three copies in a securely
 sealed postpaid wrapper addressed as follows:

James Dempsey, Esq.
 Dempsey and Spring, P.C.
 175 Main Street
 White Plains, New York 10601
 N.Y.S. Sen. Bernard G. Gordon
 (Chairman, N.Y.S. Judiciary Comm.)
 1019 Park Street
 Peekskill, New York 10566
 Jerald S. Kalter, M.D.
 130 East 67th Street
 New York, N.Y. 10021

~~and depositing same in the official depository under the exclusive care and custody of the United States Post Office Department within the City of New York.~~

and depositing same at the Post Office located at Howard and Lafayette Streets, New York, N. Y. 10013.

Harry Minott

Sworn to before me this 29th
 day of June 1976..

Jack A. Messina

JACK A. MESSINA
 Notary Public, State of New York
 No. 30-2673500
 Qualified in Nassau County
 Cert. Filed in New York County
 Commission Expires March 30, 1977

Affidavit of Service by Mail

In re:

William Terner v. Hon. James D. Hopkins, et al

State of New York
 County of New York, ss.:

Harry Minott

being duly sworn, deposes and says, that he is over 18 years of age.
 That on JUN 29 1976, 1976, he served ~~three~~^{one copy} of the
 within Supplemental Joint Appendix in the above named matter
 on the following counsel by enclosing said three copies in a securely
 sealed postpaid wrapper addressed as follows:

James Dempsey, Esq.Dempsey and Spring, P.C.175 Main StreetWhite Plains, New York 10601

(Re: Mildred Terner now known as Mrs. Jerald S. Kalter)

Sullivan & Cromwell, Esqs.48 Wall StreetNew York, N.Y. 10005

(Re: Kraftco Corp.)

Kelley Drye & Warren, Esqs.350 Park AvenueNew York, N.Y. 10022

(Re: Manufacturers Hanover Trust Co.)

~~and depositing same in the official depository under the exclusive care and custody of the United States Post Office Department within the City of New York.~~

and depositing same at the Post Office located at Howard and Lafayette Streets, New York, N. Y. 10013.

Harry Minott

Sworn to before me this 29th
 day of June 1976.

JACK A. MESSINA
 JACK A. MESSINA
 Notary Public, State of New York
 No. 30-2673500
 Qualified in Nassau County
 Cert. Filed in New York County
 Commission Expires March 30, 1977

Service of TWO copies of the
within Appendix is hereby
admitted this 29th day of
June 1976

Signed _____

Attorney for Hon. James D. Hopkins, et al.
(Defendants-Appellees)

29 1976
New York City Office
ATTORNEY GENERAL
Issue of Supplement
JL